



Public Participation

T-1 Public Participation, 2008 DEIS

Resolution of the Town Board of Villenova (Lead Agency)

The regular meeting of the Town of Villenova Board; held October 08, 2008; at 1094 Butcher Road, South Dayton; was called to order by Supervisor Park at 7:30PM after the Pledge to the Flag.

Roll Call	Present:	Yvonne Park	- Supervisor
		Donald Chase	- Councilman
		Melvin Conklin	- Councilman
		Judith Howard Rose	- Councilwoman
		Sue Ecker Newton	- Councilwoman

Others Present:	Lester Quinn	- Highway Superintendent
	Fred Weaver	- Code Enforcement Officer
	Donald Michalak	- Town Attorney
	Jerry Park	- Dist. 5 Legislator
	Dudley & Diana Robinson	- Residents

Recording Secretary:	Julie Goodway	- Town Clerk
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***A MOTION was made by Judith Howard Rose and seconded by Melvin Conklin that **WHEREAS**, minutes of the August 13 and September 10, regular board meeting be approved as presented by Town Clerk Goodway.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

Privilege of the floor was given to the public in attendance. They state they appreciate all the hard work and attention to detail the town board has shown in the Noble Ball Hill Windpark Project.

Fred Weaver, reported issuing one permit totaling \$25.00 this month. He is in receipt of several complaint forms. Updated the board on the Redmond situation, states Joe has been cleaning up, next court date is Oct 16. Has received notice of training by Southern Tier West.

Yvonne Park, Supervisor reports she has received the CHIPS money, the projected sales tax revenue is \$160,646 for 2009. She asked for a quorum from the board to be present at the meeting in South Dayton on Oct 15 at 7PM for the purpose of appointing SD Fire District Commissioner – Linda Miller. Mel Conklin, Sue Ecker Newton agreed to attend with her.

***A MOTION was made by Melvin Conklin and seconded by Sue Ecker Newton, to approve the following transfers according to recommendations by the town's accounting firm.

Increase revenue line – DA 1120 Sales Tax by \$38,489. And increase lines:

DA5130.2 - \$15,000.00
DA5130.4 - \$10,000.00
DA5130.41 - \$10,000.00
DA5142.4 - \$3,489.00

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

***A MOTION was made by Judith Howard Rose and seconded by Donald Chase to modify the Highway Budget according to recommendations by the Town Supervisor and Accountant.

Increase Revenue – DA3501 CHIPS Aid by \$15,691.00 and increase expenditure
Line DA5112.2 CHIPS Capital Outlay by \$15,691.00 for extra funds received and spent.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

Town Clerk, Goodway reported her office received and disbursed a total of \$967.00, with a check in the amount of \$352.52 presented to the Supervisor for the town's portion. Goodway also asked for approval on the appointment of Linda Tatchell to Deputy Town Clerk. After a brief discussion

*****A MOTION** was made by Judith Howard Rose and seconded by Sue Ecker Newton to approve appointing Linda Tatchell to Deputy Town Clerk on the following terms \$9.00 per hour rate of pay and approximately 4 hours per week.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

Court Clerk Goodway, reported the Justice Department issued a check in the amount of \$1,440.00 to the Supervisor for activity in the month of September, she also reminded the board of the new process set forth by the Comptroller's office wherein, the courts issue a check to the fiscal officer and in turn they submit monies to the NYS Comptroller upon receipt of an invoice.

The Assessor's report was presented in writing to the board.

**STATE ENVIRONMENTAL QUALITY REVIEW ACT RESOLUTION OF THE
TOWN OF VILLENOVA REGARDING THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED NOBLE BALL HILL
WINDPARK, LLC**

WHEREAS, the NOBLE BALL HILL WINDPARK, LLC ("Noble") proposes to undertake the development of wind energy facilities in the Town of Villenova, including the construction of wind energy generating facilities, access roads and utility infrastructure (the "Project"); and

WHEREAS, the Town Board of the Town of Villenova, acting as lead agency pursuant to the State Environmental Quality Review Act ("SEQRA") has issued a Positive Declaration of Environmental Significance and ordered Noble to prepare a Draft Environmental Impact Statement ("DEIS"); and

WHEREAS, the Town has reviewed the DEIS with its outside experts.

NOW THEREFORE, based on such review and consideration, the Town Board of the Town hereby resolves as follows:

1. That the Noble DEIS is accepted and ready for public review.
2. That a Public Hearing shall be held at 7 p.m. on October 30, 2008 at the Town of Villenova Town Hall, 1094 Butcher Road, South Dayton, New York, on the DEIS and the related facility permits.
3. Written comments can be submitted to Town Special Counsel, Daniel A. Spitzer, Hodgson Russ, 140 Pearl Street, Suite 100, Buffalo, New York 14202 until November 10,2008, 5 PM.
4. This resolution is effective immediately.

PASSED AND ADOPTED by the Town Board of the Town of Villenova on the 8th day of October, 2008.

Adopted:	Park	- aye
	Chase	-abstained
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

The board discussed the proposed Budget for 2009, in an effort to cut the inevitable tax increase.

*****A MOTION** was made by Sue Ecker Newton and seconded by Donald Chase to change regular board meeting date of November 12 to November 05, 2008 at 7:30 PM to coincide with the Town Budget Calendar as established by the Office of the State Comptroller,

BE IT FURTHER RESOLVED, that the Town Clerk give notice to the Observer (official town paper)of a public hearing on the Preliminary Budget which is to be held at 8:30PM Nov. 05, 2008.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

***A MOTION was made by Donald Chase and seconded by Melvin Conklin to renew the Moratorium regarding prohibiting Semi-Trailers for storage is extended for six months.

Adopted: **Park** - aye
 Chase - aye
 Conklin - aye
 Howard Rose - aye
 Ecker Newton - aye

Lester Quinn, Highway Superintendent reports; 09/14/08 windstorm took trees down, he cleaned them up; mowed cemeteries; Dye Road oiled and stoned,; mowed roadsides most with two passes; mowed the seven acres at the pit; washed the Town Hall; grated and brined roads; finished pipe on South Hill, put load of binder up there; guard rails on Smith Road by Nate’s; broomed, oiled and stoned roads; inspections on the following vehicles, International 2554 – needs brakes, did pass, 87 Int. 1700 with brine tank – failed, rear wheel seal leaking, emergency brake needs repair; L9000 1991 passed, 97 Ford 10 wheeler – failed, drag link est. cost \$400. On the driver’s side, brakes, drums need checking; 2006 Sterling, 77 Oshkosh passed, still needs to do the Autocar; the sander for the pickup is in; installed driveway pipe on Round Top at Morrano’s; can get bottom ash from VanBuren, just needs trucks and man power to haul it; hasn’t heard from Cover-All regarding inspection of the sand salt storage building, he will contact them again; hauled gravel to Rice Road; asks boards pleasure in hiring a part timer for the upcoming winter season; upon further discussion,

***A MOTION was made by Judith Howard Rose and seconded by Melvin Conklin approving part time hire of David Dayton at a rate of \$10.00 per hour, in the Highway Department, pending favorable pre-hire drug and alcohol screening per Town Policy.

Adopted: **Park** - aye
 Chase - aye
 Conklin - aye
 Howard Rose - aye
 Ecker Newton - aye

***A MOTION was made by Judith Howard Rose and seconded by Sue Ecker Newton approving the hiring of a part time seasonal employee in the highway department providing that individual meet the following requirements: current CDL, physical, and pre-employment screening (drug & alcohol testing).

Adopted: **Park** - aye
 Chase - aye
 Conklin - aye
 Howard Rose - aye
 Ecker Newton - aye

Don Michalak reviewed the proposed Junk Vehicle Local Law; description of Junk Vehicles were reviewed, and after lengthy discussion it was decided that this proposed law would place limits on what is permissible in the transition zones. Noting the public hearing was held on July 09, 2008.

***A MOTION was made by Yvonne Park and seconded by Donald Chase to adopt Local Law Introduction #3 Print #1,

LOCAL LAW
INTRODUCTION NO. 3 OF 2008
OF THE TOWN OF VILLENNOVA
Print No. 1

A LOCAL LAW TO AMEND THE ZONING LOCAL LAW OF THE TOWN OF VILLENNOVA TO PROHIBIT JUNK CARS, VEHICLE DISMANTLING, SCRAP YARDS, AND TRASH STORAGE IN TRANSITIONAL DISTRICTS.

Be it enacted by the Town Board of the Town of Villenova as follows:

Section 1. Authority

This local law is adopted pursuant to the authority granted to the Town of Villenova in Section 10 of the New York Municipal Home Rule Law.

§2. Purpose

The Town Board hereby declares that a clean, wholesome, and attractive environment are of vital importance to the continued general welfare of its citizens, and that junk cars, vehicle dismantling and scrap yards, and trash storage be prohibited in T District – Transitional. By adoption of this local law the municipality declares its intent to preserve and promote the reasonable quality of the environment and aesthetics and to prohibit actions and conduct that tend to depreciate not only the property on which it is located but also the property of other persons in the neighborhood and the community generally.

§3. Amendment of Zoning Section 402(D)

Section 402(D) of the Zoning Law is amended by omitting from the list of uses allowed in a Transition District which require no permit (requires compliance with law) the following: “Junk Cars – Private Property, in accordance with Section 620” and “Trash – Private Property, in accordance with Section 622.”

§4. Amendment of Zoning Section 402(C)

Section 402(C) of the Zoning Law is amended by omitting from the list of uses allowed in a Transition District by Special Use Permit (hearing required) the following: “Vehicle Dismantling Yard, in accordance with Section 621.”

§5. Amendment of Zoning Section 620

Section 620 of the Zoning Law is amended by adding the following paragraphs:

- E. Transition District. Notwithstanding the foregoing, outdoor storage of junk vehicles is prohibited in the Transition District. Any junk vehicle stored outdoors in the Transition District exiting at the effective date of this local law shall be brought into compliance with this section within thirty (30) days from the effective date of this local law.
- F. Agricultural District. The foregoing paragraph shall not prohibit the outdoor storage of junk vehicles that are actually and actively used by a farm operation for agricultural purposes in an amount and type consistent with the reasonable needs and scope of the farm operation if located within a county adopted, state certified, Agricultural District.

§6. Amendment of Zoning Section 621

Section 621 of the Zoning Law is amended by adding the following paragraphs:

- C. Transition District. Notwithstanding the foregoing, vehicle dismantling and scrap yards are prohibited in the Transition District. Any vehicle dismantling or scrap yard in the Transition District exiting at the effective date of this local law shall be brought into compliance with this section within thirty (30) days from the effective date of this local law.
- D. Agricultural District. The foregoing paragraph shall not prohibit vehicle dismantling or scrap yard that are actually and actively used by a farm operation for agricultural purposes in an amount and type consistent with the reasonable needs and scope of the farm operation if located within a county adopted, state certified, Agricultural District.

§7. Amendment of Zoning Section 622

Section 622 of the Zoning Law is amended by adding the following paragraphs:

- D. Transition District. Notwithstanding the foregoing, trash storage is prohibited in the Transition District. Any trash storage in the Transition District exiting at the effective date of this local law shall be brought into compliance with this section within thirty (30) days from the effective date of this local law.
- E. Agricultural District. The foregoing paragraph shall not prohibit trash storage that is actually and actively used by a farm operation for agricultural purposes in an amount and type consistent with the reasonable needs and scope of the farm operation if located within a county adopted, state certified, Agricultural District.

§8. Severability

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

§9. Effective Date

This local law shall take effect upon its filing with the Office of the New York Secretary of State.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- nay
	Howard Rose	- aye
	Ecker Newton	- aye

***A MOTION was made by Judith Howard Rose and seconded by Melvin Conklin to accept all Department Head Reports as given:

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

*****A MOTION** was made by Sue Ecker Newton and seconded by Melvin Conklin that **WHEREAS**, Noble Vouchers #8-10 totaling \$32475.74, General Vouchers #129-141 including prepays totaling \$3,359.15, and Highway Vouchers #131-142 totaling \$35,215.39, were submitted, reviewed and approved for payment.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

*****A MOTION** was made by Yvonne Park, to adjourn meeting at 9:55PM, with a reminder of the change of date for the next meeting to Nov. 05 and a reminder of the Special Meeting Oct. 30 for the DEIS.

Adopted:	Park	- aye
	Chase	- aye
	Conklin	- aye
	Howard Rose	- aye
	Ecker Newton	- aye

Respectfully Submitted:
Julie Goodway/Town Clerk

Written Comments Pertaining to the 2008 DEIS

Comment Statement ID	Commenter
DEIS-0001	New York State Public Service Commission
DEIS-0002	New York State Department of Agriculture and Markets
DEIS-0003	New York State Department of Environmental Conservation
DEIS-0004	Diana Robinson, Concerned Citizen
DEIS-0005	Kathryn McGraw, Concerned Citizen

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

GARRY A. BROWN

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Commissioners



PETER McGOWAN
General Counsel

JACLYN A. BRILLING
Secretary

November 10, 2008

Daniel A. Spitzer, Esq.
Hodgson Russ, LLP
140 Pearl Street, Suite 100
Buffalo, New York 14202

Via electronic service at dspitzer@hodgsonruss.com

Re: SEQRA DEIS Comments- Noble Ball Hill Windpark

Dear Mr. Spitzer:

The Department of Public Service (DPS) has reviewed the Draft Environmental Impact Statement (DEIS) related to the application by Noble Environmental Power (Noble) to develop a wind energy project in the towns of Villenova and Hanover in Chautauqua County.

DPS includes the Staff of the Public Service Commission (PSC) and is an involved agency in the State Environmental Quality Review Act (SEQRA) review of the Noble project. Pursuant to Public Service Law (PSL) §68, Noble must file a petition for a Certificate of Public Convenience and Necessity (CPCN) for its project, which is proposed to operate above 80 megawatts (MW). The §68 review will include consideration of the capability of the developer to function as an electric corporation and to provide safe and reliable service.

Attached are comments regarding the Project DEIS. You may contact Philipose Philip at (518) 486-6075 regarding further project reviews.

Sincerely,

A handwritten signature in cursive script that reads "Christina Palmero".

Christina Palmero, Chief,
Office of Energy Efficiency and the Environment

cc: J. Bonafide, OPRHP
R. Edick, NYS DEC
M. Saviola, NYS Ag. & Mkts.
S. Sayeau, Noble Environmental Power

Attachments

**New York State Department of Public Service
Comments on Town of Hanover and Town of Villanova
SEQRA Draft EIS for Noble Ball Hill Windpark Project**

Section 1.2 – Detailed Description of the Proposed Action

The description of the proposed Switchyard facility to be installed at the northern end of the transmission line is incomplete. The proposed Substation will step-up voltage from 34.5 kV to 115 kV via transformers. The 115 kV line will connect to the proposed Switchyard, which interconnects the overall Project to the existing 230 kV transmission line. The description of facilities in the DEIS does not indicate that an additional 115 to 230 kV step-up transformer is necessary at the proposed Switchyard. DPS Staff notes that the Preliminary Switchyard Site Plan (Drawing RP-SY-1, in DEIS Appendix A) indicates a transformer will be installed at the site.

Step-up transformers may be a source of operating noise, which should be addressed in the DEIS. Noise level and potential pure tone generation should be modeled for the specific make and model transformers proposed at both the Substation and the Switchyard sites. Nearby noise receptors should be identified, including any residences, and expected noise effects and appropriate mitigation measures should be identified for minimizing noise impacts.

Section 2.29 – Health and Safety

The location of steel gas pipelines should be determined when planning the location of wind turbines and grounding systems, and electric collection and transmission lines. The DEIS identifies major gas transmission facilities, but does not identify the location of gas gathering lines. (See Fig. 2.23-3 -- Setbacks from Utilities.) Appropriate avoidance and mitigation measures to avoid induced voltages and lightning protection system grounding issues should be developed in project layout and detailed design.

This is information that DPS requested in comments on the scope of studies appropriate for the project (as indicated at DEIS Appendix D, page D-87).

Appendix A – Construction Drawings, Specifications, and Engineering Standards

Substation site:

The details indicated at Preliminary Substation Site Plan (Dwg. RP-SR-1) indicate the access road to the site is at a steep slope, with grade at approximately 10% at sections. The Substation site itself has a cross slope of 10% with a long slope above.

Siting the Substation should address provisions for cut and fill of slopes, site stabilization and compaction, and permanent drainage control features. The footprint of the substation will be larger to accommodate cut and fill slopes, unless retaining walls are

installed at the indicated footprint. The uphill cut slope will intercept subsurface drainage; this should be addressed in permanent site drainage design, which should also address surface drainage for the site and the uphill slope and access road.

Underground electric lines:

Underground electric collection lines should be installed with provisions to avoid effects of subsurface “piping” of subsurface water creating and expanding voids around the electric cables running down steep slopes. Underground trench-breakers with surface water control features should be specified for underground lines installed on slopes.

Switchyard site -- Drawing RP-SY-1:

The access road to the proposed Switchyard appears to be located within a grape vineyard. Alternative locations should be investigated, in order to reduce or avoid the permanent reduction or displacement of productive grape vineyard acreage for access road installation.

Transmission Line Plan and Profile -- Drawings BH-T301, Sheets 1 through 6:

Transmission line clearance at road and railroad crossings should be specified in accordance with appropriate design standards and code requirements.

Transmission line angle structure number 5 (Drawing BH-T301, Sheet 1) is proposed to be located within a NYS-regulated wetland (reference Appendix G, Wetlands Map Sector F). An alternative location for structure 5 to the south should be considered to avoid permanent impact to the wetland for location of the structure, as well as additional temporary impacts related to clearing for construction (including angle structure laydown and wire pulling at this location). (Note that this type of alignment appears to have been identified in an earlier project layout, as indicated in Appendix T, Figure 5.1.)

Transmission line angle structure 19 appears to be located at a stream. Structures should be set back from stream banks to accommodate streamflow, flooding, and the potential for bank movement due to streambank erosion, and to provide room for structure construction out of the stream.

The Transmission Line Plan and Profile figures (as well as wetland and stream location figures in Appendix G) do not indicate locations of access roads for construction of the transmission facilities. Streams, ravines, wetlands and other features appear to create impediments to continuous through-access along the transmission line right-of-way. Access road locations, including off-right-of-way locations should be specified. Appropriate consideration of clearing, wetland fill, stream crossings, agricultural land practices, soils and slopes constraints, as well as erosion control and site stabilization measures for the access roads should be addressed within the EIS.

Construction of the transmission line will result in impacts due to forest clearing, access and construction in agricultural lands, wetlands and stream crossings, disturbance at steep slopes, drilling for pole placements, access road construction, and other activities

related to line construction. Site plan and profile drawings for construction planning and construction impact minimization should be developed as mitigation measures appropriate for activities related to transmission line construction. The plan and profile drawings should show information including details such as: limits of clearing; property line locations and setbacks; access road details including temporary improvements for stream and wetlands crossing; transmission pole locations and work pad locations; streams and wetlands and appropriate protection measures; fences, drainage ditches and other improvements; other utility features, electric, gas, telecomm lines; roads and railroads to be crossed by the transmission line; construction controls and mitigation measures to avoid or minimize impacts on these and other features and resources located within the right-of-way and access road locations.

Appendix K – Visual Impact Assessment

The discussion of impact mitigation addresses lighting at switchyard and substation sites, and recommends “down firing, motion triggered, and task oriented” lighting at these facilities. DPS recommends revision of this proposal and that more specific mitigation requirements be implemented. Lighting should be task oriented, including lighting areas that are appropriate for access, and maintenance as needed. Task lighting should be controlled by manual switches to allow workers to light areas appropriate as needed to accomplish tasks. Motion triggered lighting can be inappropriately triggered by wildlife, blowing trash or vegetation, and is not recommended. Any lighting that will be regularly used should use full-cutoff fixtures and should be designed to avoid off-site lighting and glare. Fixtures should be specified as full-cutoff with no drop-down optics, which tend to spread light horizontally.

Manufacturer’s cut sheets should be provided, which specify lighting illuminance levels and pattern, and which list features as discussed above regarding light cutoff, shields, and optic criteria.

Appendix M – Communication Signal Study

The analysis of communication signal interference was not based on location of proposed turbines or transmission facilities. While the project study area is generally located, the study area identified on figures in Appendix M does not include the area or location of the proposed 115 kV electric transmission line.

Additional analysis of potential interference should be provided, based on detailed locations of wind turbines and transmission lines, including elevation and height of structures proposed.

Appendix Q – Decommissioning Plan

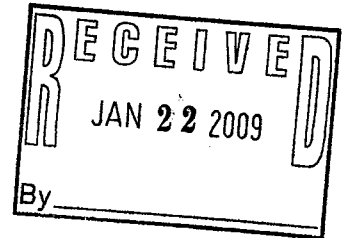
The Decommissioning Plan does not appear to include costs to remove facilities and rehabilitate the site of the proposed transmission line and switchyard facilities.

The Decommissioning Plan includes an estimate for removal of substation facilities; however, the estimate does not include any cost for a crane or crane operator. Substation removal should include crane costs for removal of large overhead components.



STATE OF NEW YORK
DEPARTMENT OF AGRICULTURE AND MARKETS
10B Airline Drive
Albany, New York 12235

*Division of Agricultural Protection
and Development Services
518-457-7076
Fax. 518-457-2716*



January 20, 2009

Mr. Daniel A. Spitzer, Esq.
Hodgson Russ, LLP
140 Pearl Street, Suite 100
Buffalo, New York 14202

Re: DEIS Comments; Noble Ball Hill Windpark, Chautauqua County, New York

Dear Mr. Spitzer:

The Department of Agriculture & Markets (Ag & Markets) has conducted a review of the Draft Environmental Impact Statement (DEIS) for the proposed Ball Hill Windpark located in the Towns of Hanover and Villenova, Chautauqua County, New York. The Department is an involved agency in the State Environmental Quality Review Act (SEQRA) review of this project. This review is based upon the visual observations of existing conditions in the field, past construction practices on other Noble Projects and a review of the DEIS document prepared and submitted to the Villenova Town Board by the Project Applicant's environmental consultant. The following are comments on potential agricultural impacts and mitigation, the DEIS document and the field review:

1. The Executive Summary states that "The minimal loss of productive agricultural land will be offset by the financial benefits the landowners will obtain from payments they will receive from Noble for their participation in the Project". Although funds received by the landowner (farmer) may benefit the current agricultural enterprise, monetary compensation does not constitute a valid justification for the permanent loss or conversion of agricultural land. In most cases, monetary compensation will not prevent permanent conversion of agricultural land to a non-agricultural land use.
2. The Description of the Proposed Action section describes pad-mounted junction terminals which will be utilized to tie buried collector cables together into one or more sets of larger feeder conductors. Based on the Department's observation from the Applicant's other two working commercial wind projects in western New York, these junction boxes have, in several cases, presented a significant unanticipated impediment to field cropping patterns. The Project Applicant should provide more detail on the proposed placement of these junction boxes and graphically identify the locations for such facilities in agricultural fields. Locations of the junction boxes proposed in agricultural fields should be identified on the

project drawings. This information should be made available to the Department for review purposes prior to the Town's acceptance of the FEIS, the Town's issuance of its Findings Statement and Permit.

3. Section 1.2.2 discusses a 3-acre off-site equipment staging area located along Route 39 near the intersection with Empire Road in Hanover. This proposed laydown area appears to be sited in an active agricultural field. If this area is to be used for laydown purposes, it should be constructed and restored in accordance with *Department Guidelines*¹.
4. On-site laydown areas are depicted on figure 1.1-2. The report indicates that the final locations will be identified in the FEIS. The identification of laydown areas in the FEIS does not allow the Department an opportunity to review potential impacts to agricultural resources and provide additional comments (if necessary). As a result, the Department requests that the laydown area locations be identified and the information be provided for review prior to the issuance of the FEIS.
5. Section 1.2.2 discusses the installation of underground electrical collection lines and Right-of-Way (ROW) widths. ROW widths will range between 22 feet for one circuit to up to 60 feet where four circuits will be installed in parallel. The Applicant proposes that the buried cables be installed along proposed access roads within a 60-foot ROW. Drawing No. BH-E-103 (Typical Underground Trench Alignment) depicts collection schematic drawings. The schematics for three and four circuits show a "10-foot Buffer Work Access". Based on the Department's observations of construction activities on the Applicant's Wethersfield Windpark, greater ROW widths will be required in locations. Specifically, additional work space (ROW widths) will be required for the temporary stockpiling of topsoil. A ten-foot width linear temporary workspace is not adequate for the temporary storage (stockpiling) of topsoil removed to a minimum 8-inch depth from a 50-foot ROW. Linear topsoil stockpiles shall be appropriately coordinated with the placement/installation of underground collector cables (including other potential underground utilities) installed adjacent to access roads. Wider ROW widths will eliminate the need to handle stockpiled topsoil more than once; thus reducing the potential for additional soil resource impacts including topsoil/subsoil mixing and soil compaction.
6. Section 1.2.2 discusses the installation of "ditch plugs" in wetlands for the purpose of preventing migration of shallow groundwater in linear excavations. Trench breakers are typically installed for the dual purpose of preventing trench washouts during construction and abating water piping and "blowouts" subsequent to trench backfilling. In this case, the installation of trench breakers in buried collector line trenches is critical due to the fact that the Project site is dominated by dense glacial till and glacio-lacustrine soils. Penetration (excavation) will create a subsurface drainage envelope along the linear expanse of the trench unless such flows are alleviated or removed via artificial drainage from the trench. Thermal sand used as bedding will further exacerbate this condition. Because of this, the applicant should install trench breakers in agricultural fields in accordance with the spacing intervals as detailed on the Sample Drawing A-12 "Trench Breaker Spacing" (Attached). The Project Applicant shall also record each installed trench breaker location by map referenced station number. In agricultural lands, the top of trench breaker will not be closer than two feet from the restored surface. Additional subsurface drainage may be required following installation of

¹New York State Department of Agriculture & Markets. *Guidelines for Agricultural Mitigation for Wind Power Projects*. Rev. 4/8/08.

buried electrical collector cables to effectively convey trench water to a stable surface outlet (see #26 below). Electrical collector cable runs will require close monitoring for evidence of seeps and waterboils during the 2-year monitoring period.

Because of the proposed method of buried electrical collector cable installation (trenching), and the inherent difficulties associated with the installation of trench breakers during cable installation, the Department recommends that the Project Applicant closely monitor the toe of slope areas in agricultural fields for wet areas or signs of seeps and waterboils in cases where trench water is exfiltrating to the ground surface. If encountered, new interceptor drain lines should be installed in order to alleviate wet areas. The Applicant should make necessary provisions for post-construction drainage repairs in agricultural fields. Because of potential limitations on slope, topography and other surface features, it may be necessary to install drainage structures and corresponding outlets in locations outside of the Applicant's "permitted" ROW. The Department recommends that the Applicant make necessary arrangements with the Town, other Permitting Agencies and with individual landowners to allow for flexibility to install drainage features outside of the "permitted" ROW. In some cases, drainage easements may be required for off-ROW outlets.

7. The proposed project includes the construction of approximately 6 miles of overhead 115 kV transmission line; much of it located in active agricultural fields. While the project drawings show the general transmission line route, they do not depict temporary, or off right-of-way access routes to the proposed transmission line ROW. Project drawings should be revised by the Applicant (prior to issuance of the FEIS) to indicate exact locations and routes where off ROW access will be located. This will allow Department Staff the ability to identify and assess potential impacts (if any) to active agricultural fields utilized for off ROW access.
8. Drawing RP-SY-1 shows the switchyard access road crossing through what appears to be an active vineyard. In accordance to Department Guidelines, unique agricultural lands, i.e., specialty croplands, orchards, vineyards, etc. should be avoided. Avoidance routing should be explored in order to reduce or avoid permanent impacts (conversion to non-agricultural use) to the active vineyard from access road construction.
9. Some sections of the off right-of-way access roads are likely to utilize existing farm access paths. The majority of which are located along field edges that are typically utilized infrequently by the farm operator for field access. Unless the proposed off right-of-way access route is a well-defined farm road (i.e., heavily compacted, no vegetation, gravel or crushed stone surface etc.), topsoil stripping or timber matting shall be required. Unless "tractor paths" or "unimproved roads" appear like the farm driveway, they should be treated the same as an agricultural field. Anything that is determined to be a legitimate or clearly defined farm road should be restored to at least original condition. Under no circumstances should the right-of-way clearing crews or electrical contractor be allowed vehicle/equipment access onto or along agricultural fields (including field edges, or unimproved tractor paths) without first stripping the topsoil (or through the use of timber matting). All construction activities in agricultural fields, including equipment and vehicle access for clearing, shall be conducted on topsoil stripped or timber matted travel and work areas. If questions arise as to the designation of, or status of the proposed use of field edges, "unimproved roads", or "tractor paths" for vehicle and equipment access, the Department shall be notified and the area in question will be field reviewed by Staff and a mutual determination will be made prior to construction.

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10. Where temporary access is necessary across agricultural portions of the transmission line ROW, topsoil shall be removed including the entire "A" horizon down to the beginning of the subsoil "B" horizon. All topsoil that is stripped shall be stockpiled and separated from other subsoil, woody debris and other excavated or construction materials. All topsoil must be stripped, stockpiled and uniformly returned (following subsoil decompaction and rock picking) to restore the original soil profile. Installation of matting shall be allowed as an alternative to topsoil stripping.
11. At the end of construction on the transmission line, the ROW and respective work areas, including guying wire assembly and disassembly sites, shall be thoroughly cleared of construction debris such as nuts, bolts, spikes, wire, etc.
12. Page 1-17 of the DEIS discusses access road construction and the installation of culverts to "maintain a water table elevation below the base material to ensure roadbed stability". According to this Section, roadside ditches will be constructed as dictated by the terrain to convey stormwater runoff away from roadways. Culverts, fords, roadside ditches or other stormwater collection and conveyances should not be constructed so as to allow direct discharge into active agricultural fields. Culverts and other water conveyance devices should be designed and implemented to divert flows away from active agricultural areas into existing or new water conveyance systems (i.e., drainage ditches, grassed waterways, swales, diversion ditches or other appropriate water control structures).
13. Section 1.2.2 of the DEIS states that the Project Sponsor will retain the services of an environmental monitor to ensure compliance with applicable permit conditions and other requirements. Due to the significant area of disturbance and agricultural mitigation/restoration activities required as part of this proposed Project, the Department recommends that the Applicant hire an experienced "Agricultural Inspector". Competent agro-environmental inspection and supervision of site preparation, construction and restoration activities is fundamental in helping ensure sound implementation and restoration techniques on agricultural lands. Such "Ag"-specific inspection/supervision is critical to a commercial wind energy project due to its concentrations of localized activity, extending over the expanse of the numerous tower sites, access roads and buried cable runs. To preserve objectivity during compliance inspections, the Department recommends the Project Sponsor provide funding for the Lead Agency to hire the Agricultural Monitor.
14. Section 2.4 discusses potential construction impacts on site soils. The section describes a 5-acre O&M facility for which a final location is unknown at this time. The DEIS states that the final location and impacts will be identified in the FEIS. Inclusion of this information in the FEIS does not allow the Department sufficient opportunity to thoroughly review the potential impacts to agricultural resources and provide additional comments (if necessary). As a result, the Department requests that potential locations be provided for review prior to the issuance of the FEIS.
15. Section 2.4 discusses potential construction impacts on site soils including rutting and compaction of agricultural soils. The Applicant identified soil types which are prone to rutting and compaction. The Applicant should identify (graphically depict on Project drawings) these soil types so that construction practices can be adapted accordingly by construction crews in the field. These impacts can be avoided by stripping topsoil or matting the construction area where heavy equipment has the greatest potential to adversely impact agricultural soils. The Department recognizes that at times it may be necessary to account for landowner preference when determining the level of disturbance including topsoil stripping

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(Example: installation of a single circuit buried electrical collector cable or setting of a single transmission pole in an isolated field corner). However, based on the Department's experience, long-term impacts from soil mixing and compaction are far greater than the temporary disturbance associated with the normally accepted construction and restoration sequence on agricultural soils. Temporary impacts to crop production from topsoil protection measures pose a far less long-term viability impact to a farm operation than do impacts from soil mixing and compaction. Crop loss considerations with landowners should be utilized for losses in crop production associated with topsoil protection measures. Noble's Project Development staff and Agricultural Monitor(s) should take a proactive role in explaining to Project participants (landowners) the need and benefits of performing topsoil protection measures in agricultural fields. If there are areas of the project site whereby topsoil protection measures will not be implemented in agricultural fields, the Department requests that the Project Applicant or the Agricultural Monitor notify Department staff and identify those areas for field review prior to commencing construction or ROW clearing activities. The Department will review each identified location on a case-by-case basis, consult with the affected farm landowner or farm operator (if necessary) and a mutual determination will be made.

16. Section 2.4 also discusses rock picking following decompaction. This section describes the removal of rocks which are "introduced during grading or trenching". This section should be revised to reflect proper agricultural restoration sequencing by stating that rocks 4-inches in diameter and larger that are uplifted to the subsoil surface as a result of subsoil decompaction will be removed prior to the replacement of topsoil.
17. Table 2.4-1 indicates that 92.84 acres of the proposed facility areas may encounter soils having a shallow depth to bedrock. Has this information been identified relative to Project facilities, i.e., the identification of shallow soils at specific turbine foundation sites and buried electrical collector line routes? Will this information be made available to field personnel? If so, the Applicant should describe how this information will be effectively conveyed to field personnel during construction.

On agricultural land, ripped or excavated bedrock, boulders and concentrations of excavated stone or rock materials should not be returned to the excavation or trenches any closer than 24-inches from the exposed (subsoil) work surface of the stripped portion of right-of-way. The remainder of the backfill should be limited to suitable subsoil material, backfilled up to the top of the exposed work surface. Excess waste rock/stone materials should be removed from active agricultural areas.

18. Section 2.4.2 discusses project facility impacts. Specifically, .06% of soils in the Project Area will be permanently impacted at proposed turbine locations. Does this percentage take into account the proposed sixty 140-foot by 40-foot permanent gravel crane pads to be left in place and has a separate percentage been calculated and included for the proposed pad-mounted junction terminals associated with buried electrical collector system tie-ins?
19. Section 2.4.2 describes the potential for permanent impacts associated with project-related facilities on agricultural lands and the total acreage of prime farmland and farmland of statewide importance that will be permanently impacted by the proposed Project through conversion to non-agricultural uses. The consultant for the Applicant states that the conversion of these agricultural soils is "minimal and will not significantly affect these soil resources in the Towns and county". While these acreages may appear to be minimal to the

DEIS preparer, facilities such as permanent gravel crane pads, junction boxes, guying wires, permanent access roads and, in some instances, improperly designed and implemented stormwater practices can present significant adverse affects to the long-term viability of farm operations in the Project area. Construction of these facilities can create serious impediments to established field cropping systems, field access and drainage patterns. These potential impacts should be included in this section and discussed in more detail in the FEIS.

20. Section 2.4.3 discusses a post-construction monitoring plan to ensure that NYSDAM Guidelines are met. This post construction monitoring plan should be submitted to the Department for review and comment prior to the Town's issuance of the FEIS.
21. Section 2.4.3 discusses mitigation activities. The section states that impacts to agricultural lands will be minimized by restricting project equipment and access to the approved construction ROW. The Department requests that the Project Applicant provide a more detailed description of the anticipated methods intended to restrict equipment access to non-approved (active agricultural) areas of the project site during construction.
22. Page 2-23 of the DEIS discusses restoration timing in agricultural fields. Any topsoil handling, soil restoration activities (specifically decompaction and topsoil replacement activities conducted after October 1 and prior to May 1) should be coordinated with the Department following favorable Atterberg soil test (soil plasticity) results.
23. Page 2-25 of the DEIS discusses impacts to topsoil and subsoil. A general discussion of restoration sequencing through agricultural lands is presented. The last paragraph states that soil decompaction will be conducted prior to topsoil replacement. This paragraph should be revised to include the removal of rocks 4-inches or greater following subsoil decompaction (prior to topsoil replacement).
24. Page 2-26 of the DEIS identifies potential drainage impacts and the proposed methods to address those impacts. This Section states that the Applicant will mitigate potential impacts by implementing subsurface interceptor drain lines, ditch plugs, culverts and fords crossings to maintain natural drainage patterns. Culverts and fords should be designed and constructed with suitable outlets. Stormwater collected from impervious surfaces of the project facilities or hydrologically active areas located up-slope from project facilities should not be directed into active agricultural fields without some form of velocity and volume attenuation, i.e., flow dissipation, surface inlet, discharge to existing drainage feature, etc. If existing runoff issues are encountered and hydrologically active areas are identified in areas located up-slope from proposed project facilities, they should either be addressed on a case-by-case basis in stormwater management practice designs, or project facility (roads, turbine sites, etc) locations should be modified to avoid identified hydrologically active areas. The applicant should address up-gradient stormwater flows which "run-on" to Project facilities as well as runoff issues in, and adjacent to agricultural areas of the Project. The Department requests a copy of the Stormwater Pollution Prevention Plan in order to review the permanent post-construction Stormwater Management Practices (SMPs) proposed for the Project and assess their compatibility with each farm operation's long-term operational viability.
25. Section 2.27.5 discusses the installation of collection system components. This section should include a more detailed description of the need for placement of collector system junction boxes in active agricultural fields. Because of the potential adverse impacts these junction boxes pose to the viability of farm operations in the project area, the Applicant

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should, to the fullest extent practicable, locate these above ground junction boxes outside of active agricultural areas.

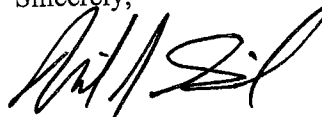
26. In Section 2.4.3, subsurface drainage is discussed. The Section states that "New subsurface drain lines will meet or exceed the condition of existing installed structures..." In accordance with Department Guidelines, new subsurface drain lines shall be AASHTO M252 single wall drain line or equivalent and shall be installed in accordance with the applicable USDA-Natural Resources Conservation Service (NRCS) Conservation Practice Standard for "Subsurface Drain" (608). F405 may not be used in agricultural lands for this drain tile application. Tile outlets shall be constructed of Schedule 80 PVC and steel animal guards should be installed far enough in the pipe to allow it to swivel up and let debris pass without exposing the animal guard beyond the pipe outlet. A "splash rock" should be installed beneath the pipe outlet to dissipate the erosive forces of the discharge water from the drain tile and to prevent additional scouring from occurring beneath the outlet. Installation of substandard materials may warrant the removal and replacement with the required materials identified above. Department field staff should be notified when existing subsurface drain lines are first encountered during construction and also be notified in advance to witness drain tile repair activities.

The information requested above should be made available to the Department for review and comment prior to the issuance of the FEIS. Inclusion of the requested information in the FEIS does not allow the Department an opportunity to review the potential agricultural resource impacts and provide additional comments (if necessary). As a result, the Department requests that this information be provided for review prior to the issuance of the FEIS.

It is requested that the Project Applicant advise the Department regarding tentative project planning, pre-construction meetings and for contractor site walks of the proposed work areas prior to the commencement of construction activities. The Project Applicant is encouraged to continue to closely coordinate with the Department to develop an appropriate schedule for site inspections to assure that the Department's Guidelines and construction standards are being met.

Thank you for your consideration of the Department's comments. Please do not hesitate to contact me at (585) 658-9854, or by e-mail at michael.saviola@agmkt.state.ny.us

Sincerely,



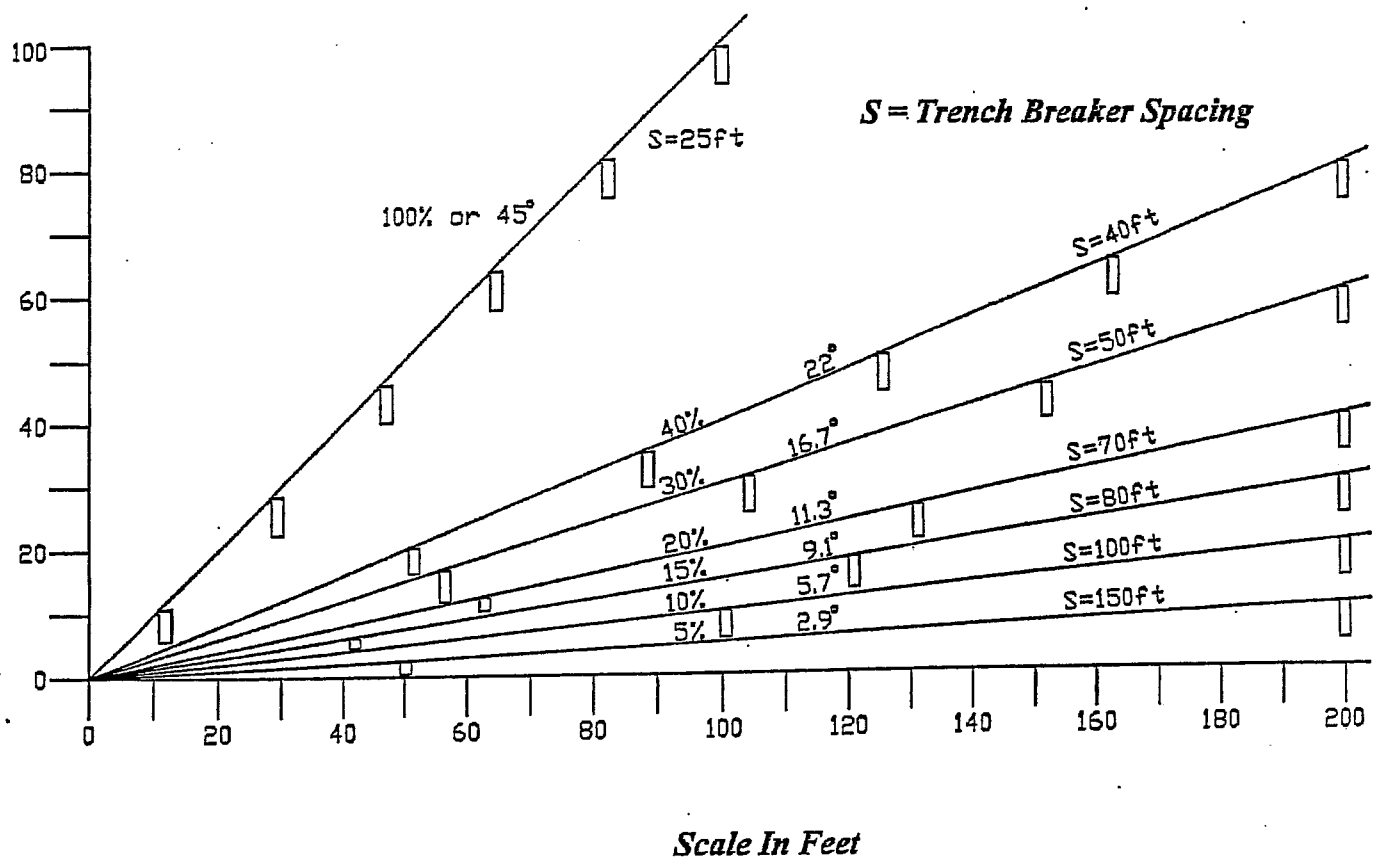
Michael Saviola
Agricultural Resource Specialist
NYS Dept. of Agriculture & Markets
158 Main Street
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cc: Kristin McCarthy, Noble Environmental Power, LLC
Andrew Davis, NYSDPS
Steve Tomasik, NYSDEC
Rudyard Edick, NYSDEC
Matthew Brower, NYSDAM
Dave Wilson, Chataqua County Soil & Water Conservation District
Town Board of the Town of Villenova
Town Board of the Town of Hanover



TRENCH BREAKER SPACING

NOTES:

1. Depending on site specific conditions of slopes exceeding 40%, the spacing between trench breakers may continue diminishing as illustrated, or may cease diminishing once a spacing of 30 to 35 feet has been reached.
2. The preferred construction material for trench breakers is sand bags, which are durable yet flexible and will conform to gradual shifting of pipeline and backfill, while serving their function: impede the flow of subsurface water along the trench.
3. In agricultural lands, top of trench breaker will not be closer than two feet from the restored surface.

SAMPLE
A-12

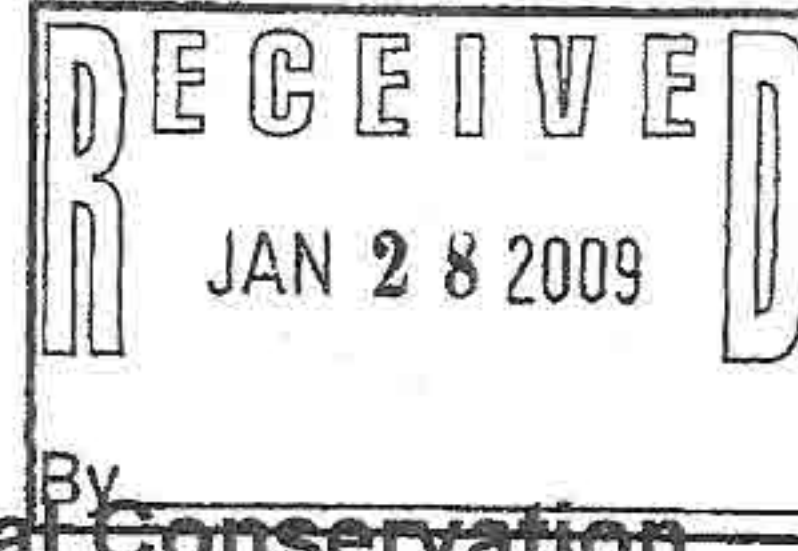
**PERMANENT SLOPE BREAKER SPACING
AS ALTERNATIVE SPACING GUIDELINE FOR TRENCH BREAKERS¹**

<u>SLOPE (PERCENT)</u>	<u>SPACING (FEET)</u>
<5	125
5 TO 10	100
10 TO 20	75
20 TO 35	50
>35	25

Source: New York Guidelines for Urban Erosion and Sediment Control (October 1991)

"Standards and Specifications for Water Bars," with the terms "Slope Breaker" and "Water Bar" being synonymous: "A ridge or ridge and channel constructed diagonally across a sloping road or utility right-of-way that is subject to erosion."

¹ Basis of Permanent Slope Breaker Spacing as an Alternative Spacing Guideline for Trench Breakers is found in U.S. Federal Energy Regulatory Commission's 12/2/94 Upland Erosion Control, Revegetation and Maintenance Plan, VI. Restoration, B. Permanent Erosion Control Devices (pp. 8 and 9)



Alexander B. Grannis
Commissioner

New York State Department of Environmental Conservation
Division of Environmental Permits, 4th Floor
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Website: www.dec.state.ny.us

January 22, 2009

Mr. Daniel A. Spitzer, Esq.
Hodgson Russ, LLP
140 Pearl Street, Suite 100
Buffalo, New York 14202

Re: State Environmental Quality Review (SEQR)
Noble Ball Hill Wind Park
Towns of Villenova and Hanover, Chautauqua County

Dear Mr. Spitzer:

The New York State Department of Environmental Conservation (DEC) has reviewed the Draft Environmental Impact Statement (DEIS) for the proposed Noble Ball Hill Wind Park, Towns of Villenova and Hanover, Chautauqua County, New York, September 2008, prepared by Ecology and Environment Inc. The project sponsor, Noble Environmental Power, proposes construction and operation of an approximately 90 megawatt (MW) wind power project consisting of up to 60 wind turbines with a nameplate capacity of 1.5 MW, construction of approximately 16 miles of access roads, and installation of 23.8 miles of underground electric collection line and 174 feet of overhead lines. The project also involves the construction of a 6-mile overhead 115-kV transmission line, a new substation, a new switchyard, an operation and maintenance facility, and a 28 acre on-site equipment laydown area.

The following comments on the DEIS represent DEC's concerns for the proposed Noble Ball Hill Wind Park specifically and for cumulative impacts from all proposed and operating wind power projects in the region. Where gaps or inconsistencies in the DEIS are identified, they should be addressed in the Final Environmental Impact Study (FEIS).

Bird and Bat Impacts.

Comments are partitioned below by the respective section of the DEIS. The Final Environmental Impact Statement should address noted observations and deficiencies listed below.

Executive Summary Page 4: Potential Projects Impacts and Mitigation-Birds and Bats

This section states that, "if construction takes place in suitable nesting habitat for endangered or threatened species...during the breeding season, the work area will be surveyed by an environmental monitor in advance of construction." Should any listed species be found in the area, DEC Staff request construction is held in abeyance until the completion of the breeding season. Avoiding construction activities during this time will reduce the impact to sensitive species in the immediate vicinity of a given turbine, transmission line, or substation. Moreover, if any listed species are found nesting in the vicinity of the project, an Article 11 permit may be needed – even if work takes place after the breeding season has ended. Disturbing or destroying an endangered/threatened species habitat is considered a taking

Section 2.12.4.2: Mitigation- Lighting and Structural Mitigation

For any lighting that may be needed at structures on site, it is recommended to block or shade the light (when doing so does not violate FAA specifications), so as to make it less noticeable to birds and bats passing overhead. This will reduce the likelihood animals will be attracted to an area with increased collision potential.

Appendix J: Bird and Bat Risk Assessment

Summary of Findings.

The pre-construction studies performed and the information contained in the DEIS are generally consistent with the recommendations contained in the DFWMR "Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects" (see <http://www.dec.ny.gov/energy/40966.html>) Noble discussed their study plans with the DEC prior to initiating their work consistent with our recommendations.

With respect to the marine radar studies conducted in the Fall of 2006 and the Spring of 2007, the DEC compared the mean passage rates, mean flight altitudes and percent of targets at altitudes less than 410 feet at the Ball Hill Windpark with the results from studies conducted at other wind energy facilities in western New York. The following observations concern the Fall 2006 radar study.

- Fall passage rates were lower than that reported in approximately 90% of the studies conducted elsewhere in western New York. The low passage rates were consistent with those reported from the study conducted at the New Grange Windpark (also undergoing review) that is located within only one mile of the Ball Park Windpark.

- Fall mean flight altitude was lower than that reported in approximately 90% of the studies conducted elsewhere in western New York. However, only 9% of targets were recorded at altitudes less than 394 feet.
- Compared to other sites having similar mean flight altitudes, this site has the lowest measured percentage of birds passing below the height of the turbine's wind-swept zone.

The following observations concern the Spring 2007 radar study.

- Spring passage rates were the highest reported among similar studies conducted elsewhere in western New York. This high passage rate is consistent with a study conducted in Chautauqua County also adjacent to Lake Erie (though 25 miles away). One would expect higher passage rates adjacent to the Great Lakes due to a large water body's tendency to channel bird migratory behavior. In contrast, lower passage rates were collected from the neighboring Horizon New Grange Windpark.
- The Spring mean flight altitude is the second highest reported anywhere in New York. The highest mean flight altitude is from the study conducted in Chautauqua County – also along the lakefront.
- Only 3% of the targets were located at altitudes less than 394 feet. This is the lowest measured percentage of birds passing lower than the top of the turbine's wind-swept zone when compared to all sites studied in Western New York, regardless of the mean flight altitude.

Conclusions.

The data collected during the 2006 Fall and 2007 Spring migration radar studies at Ball Hill Windpark indicate that the targets observed were less likely to be struck by turbine blades than compared to data collected at other wind power projects in western New York due to the higher mean flight level of passerines and the low percentage of targets in the rotor swept area. However, these indicators should be balanced to some degree by the higher number of passerines observed during Spring. It is important to point out that this review does not provide a distinction between potential impacts to bats vs. birds as individual target identification was not possible.

To provide lead agency, other involved agencies, and the public with the ability to compare the results of Ball Hill avian studies with other sites around the state, two DEC produced documents are available on our website: "Publicly Available Radar Results for Proposed Wind Sites in New York" and "Publicly Available Raptor Migration Data for Proposed Wind Sites in New York." Please see links to these pdf file documents found at <http://www.dec.ny.gov/energy/40966.html>.

Appendix J, Section G: Work Plan for Post-Construction Bird and Bat Mortality Monitoring

Section 3: Methodology

The Draft *Guidelines for Conducting Bird and Bat Studies at Commercial Wind Energy Projects* (Guidelines) are at <http://www.dec.ny.gov/energy/40966.html>. A finalized version will be available shortly on the same website. These guidelines should be followed closely when designing post-construction studies.

Task 2: Acoustical Monitoring for Bats

DEC recommends that bat acoustical monitoring take place for the duration of the ground searches, from April 15 until November 1 during each year of study. This will cover the full breeding period and the majority of the Spring and Fall migratory periods, and allow for potential correlation between bat activity and estimated mortality. As currently specified in the DEIS, bat acoustical monitoring would only take place during the first year of post-construction study.

In light of white nose syndrome and its devastating effects on New York State wintering bat populations, it is critical that the applicant work closely with the DEC in designing their eventual post-construction survey.

Stormwater Pollution Prevention Plan

A detailed construction plan needs to be developed to incorporate stringent containment of construction materials, particularly concrete slurry. This would include such practices as the use of watertight forms, silt/stormwater fencing, controlled concrete truck washout areas, and covered storage of equipment and construction chemicals. Engineering specifications to describe these proposed practices need to be detailed in this plan.

Additional impacts may result from spills of petroleum and other chemicals during construction and operation of the project. The Stormwater Pollution Prevention Plan (SWPPP) should prevent or minimize spill incidents and maximize control and cleanup of any of these incidents.

Surface Water.

The following guidance pertains to work involving the crossing of water bodies and work in close proximity to regulated streams.

- 1) If work occurs within 50' of the top of a bank of a DEC classified C(t) or C(ts) stream, erosion control planning will be necessary. This should be part of the storm water management plan for the site.
- 2) All underground collection lines shall be done in the dry.

- 3) All work is prohibited in a protected trout stream from 10/15 through 5/31.
- 4) Siltation prevention measures shall be installed and maintained during the project to prevent movement of silt and turbid waters from the project site and into any watercourse, stream, water body or wetland.
- 5) Before trenching through stream banks, upland sections of the trench shall be backfilled or plugged to prevent drainage of possible trench water into the stream.
- 6) Underground collection lines and culvert installations shall be done in one operation without any delay between construction phases.

Care must be taken to design and build culverts correctly – particularly when it involves crossing a navigable water body or a state regulated stream. Please see our website for an overview on proper culvert design: <http://www.dec.ny.gov/permits/49060.html>. The particular details of culvert design must be worked out in consultation with the DEC and must address concerns such as 25 year flood event design, maintaining channel geometry, proper use of rip rap, cofferdam specifications, work in the dry, culvert slope, etc.

Wetlands.

General Issues.

16 Projects that propose to disturb regulated wetland areas, buffer areas and protected streams require permits from DEC and the U.S. Army Corps of Engineers (USACE). DEC wetland permit regulations at 6 NYCRR 663.2(z) define a "regulated activity" as any form of draining, dredging, excavation, or mining, either directly or indirectly; any form of dumping or filling, either directly or indirectly; erecting any structures, constructing roads, driving pilings, or placing any other obstructions whether or not changing the ebb and flow of the water; any form of pollution, including but not limited to installing a septic tank, running a sewer outfall, discharging sewage treatment effluent or other liquefied wastes into or so as to drain into a wetland; or any other activity which substantially impairs any of the several functions or benefits of wetlands which are set forth in section 24-0105 of the (Freshwater Wetlands) Act. These activities are subject to regulation whether or not they occur upon the wetland itself, if they impinge upon or otherwise substantially affect the wetland and are located within the adjacent area.

17 Before DEC can consider a permit application, wetland delineations prepared for the project must be verified by agency staff. DEC jurisdiction and resulting acreage impacts may vary based on DEC verification of wetland delineations. It is DEC policy that wetland impacts are not permitted, even with mitigation, until other alternatives have been explored, including avoidance, minimization or reduction of impacts. Generally applicants are required to: 1) Examine alternative project designs that avoid and reduce impacts to wetlands; 2) Develop plans to create or improve wetlands or wetland functions to compensate for unavoidable impacts to wetlands; 3) Demonstrate overriding economic and social needs for the project that outweigh the environmental costs of impacts on the wetlands.

The DEC guidance document, *Freshwater Wetlands Regulation Guidelines on Compensatory Mitigation*, October 26, 1993, states that "Temporary disturbances, where pre-construction conditions are essentially restored, for example when laying a pipeline, do not require *compensatory* mitigation since there is no permanent loss. However, impacts to the wetland still must be first avoided and then minimized as with any other project, and efforts to reduce disturbances during construction, such as erosion control, will still be required." USACE defines "permanent" impacts as the loss of waters of the United States, and includes the area where fill is placed plus areas that are adversely affected by flooding, excavation or drainage as a result of a project. Where the project area is restored to pre-construction contours and elevation, it is not included in the calculation of permanent loss of waters (permanent impacts). This includes temporary construction mats (e.g. timber, steel, geotextile) used during construction activities and removed upon the completion of the work. However, where certain functions and values of waters of the United States are permanently adversely affected (such as the conversion of a forested wetland to an herbaceous one in a permanently maintained utility right-of-way), USACE requires mitigation to reduce the adverse affects of the project to the minimal level. The wetlands analysis in the FEIS should be refined to apply the full range of potential impact criteria to the proposed construction activity in the determination of total area of permanent impact; not just those areas proposed for permanent placement of fill. This is necessary to quantify the total affected area for permitting and requirements for mitigation.

Simple re-grading to pre-construction contours following excavation in a wetland area may not be enough to restore the full function of the existing wetland area. Any clearing or grading that disturbs wetland soils can result in permanent impacts to wetlands. Grading a wetland or adjacent area can substantially alter surface water drainage and flow patterns, may temporarily increase erosion, and may eliminate fish and wildlife habitat. Clear-cutting removes the vegetative cover of wetlands and may reduce their ability to absorb water and serve as habitat, and can also cause soil erosion. Dredging or excavation may increase water depth and remove wetland vegetation, thus altering the basic characteristics of, and perhaps destroying, wetlands. Fish and wildlife feeding or reproductive capacities may be altered, as may cover types, turbidity, sediment deposition, and erosion patterns. Any of these activities can cause the permanent loss of benefits provided by wetlands and may, in fact, destroy wetlands entirely.

Specific Concerns.

The following comments are based on staff review and focus on freshwater wetlands impacts described in Noble's DEIS for the Ball Hill Windpark.

- 1) In the first paragraph of Section 2.8 (page 2-61), Noble stated that the project facilities have been sited to minimize or avoid wetland impacts to the greatest extent practicable. DEC staff generally concurs with Noble's statement for the generation component of the project. The turbine pads and access roads have been sited outside currently mapped freshwater wetlands and adjacent areas. Construction of the generation component of the project will not result in any permanent disturbance to State-regulated wetland.

2) Based on a site visit on September 8th, 2008, no currently unmapped wetlands are in the project area. Hence, State-regulated freshwater wetlands in the project area appear to be limited to the two cited in the DEIS. The DEC determined, based on the site visit, that Wetlands W59 and W60 are separated from Wetland SC-13 by more than 50 meters and therefore are not state jurisdictional wetlands due to their small size. The DEC modified the delineations of W61 and W65 (Freshwater Wetland SC-13), and W111 (Freshwater Wetland SC-12) during their site visit (which are along the transmission line corridor). These findings and others were outlined and submitted to Mr. Andrew Francisco of Ecology & Environment, Inc. in a letter dated October 10, 2008. Those changes as outlined in this paragraph and this letter must be incorporated into the FEIS.

3) Wetland W104 is not state jurisdictional. The narrow linear portion that connects the northern and southern portions does not meet state wetland criteria. Without that connection, neither the northern or southern wetland is close to 12.4 acres in size. This wetland is along the transmission line corridor as opposed to the generation portion of the project.

4) Appendix H of the DEIS describes the preliminary wetland mitigation plan. The DEC generally concurs with Noble's mitigation goals and objectives. However, the DEC would like to clarify that the mitigation area (still to be selected by Noble) must be contiguous with a state jurisdictional wetland and not just hydrologically connected (as stated in Section 2.2 of Appendix H). The proposed wetland mitigation must be the restoration or creation of wetland with the functions and values lost by the impacts. Preservation of existing wetlands through conservation easements, while beneficial, would not qualify as mitigation for impacts to State-regulated wetlands. Mitigation for impacts to adjacent area must be discussed in the FEIS.

5) The DEIS does not specifically describe the proposed measures to remediate temporary impacts to freshwater wetlands and adjacent areas. This should be corrected in the FEIS. All disturbed areas must be returned to original grade with an adequate depth of topsoil to support plant growth. All disturbed areas must be seeded with an appropriate native seed mix and mulched (or hydroseeded) to prevent erosion and sedimentation.

6) The Invasive Species Management Plan (ISMP) in Appendix K addresses the identification, management, and monitoring of invasive species within the project area. While the strategies outlined in this plan are sound, management practices, particularly herbicide application, must be conducted at the appropriate time of year and according to NYSDEC recommendations or permit requirements specific to the site. While management should begin immediately upon disturbance or discovery of infestations, further management may be required beyond the initial period.

The ISMP presents detailed information on the restoration and monitoring of State-regulated wetland and adjacent area, including seed mixtures to be used. This kind of information is lacking throughout the other sections of the DEIS that discuss impacts to regulated areas and should be included in the FEIS.

7) Calculation and discussion of impacts to the State-regulated 100-foot adjacent area is generally lacking in the DEIS. These impacts should be discussed in the impact and mitigation sections and included in the appropriate Tables.

Visual resources.

DEC Visual Policy, *Assessing and Mitigating Visual Impacts*, DEP-00-2, July 31, 2000, defines an aesthetic impact as that which occurs when there is a detrimental effect on the perceived beauty of a place or structure identified as a significant scenic or aesthetic resource. Significant aesthetic impacts are those that may cause a diminishment of the public enjoyment and appreciation of an inventoried resource, or one that impairs the character or quality of such a place. For each potentially affected resource identified, a determination should be made as to whether visibility of one or more turbines results in diminished public enjoyment or appreciation of the resource, or impairs its character or quality. This determination should be made on the basis of the existing visual setting of the inventoried resource and the likelihood that visibility of the proposed project will compromise the existing setting and diminish public enjoyment of that resource.

DEIS Section 2.14 describes the Visual Resource Assessment (VRA) conducted for the project. The study area for the VRA extends to a five-mile radius from the outermost turbines, in accordance with DEC Visual Policy. Consideration is also given to resources of high cultural or scenic importance located beyond the five-mile radius, as recommended by the DEC policy document, "Assessing and Mitigating Visual Impacts" available on our website. Visual mapping was conducted on a "hypothetical" layout of 60 GE 1.5 MW turbines assuming a peak height of 393 feet. For this analysis, 55 visual resource locations were identified within the 5-mile study area. These included resources of statewide significance as defined by the DEC Visual Policy, resources of local interest, and other places of analysis not meeting the first two conditions but representative of open views from the rural roadways. All of the visual resources identified will have some visual impact with 7 in the foreground distance zone, 26 in the middleground distance zone, and 22 in the background distance zone. There are eight National Register Eligible properties and 138 other potentially eligible properties identified in the 5-mile APE (and 3-mile radius of the transmission line) that have potential views of the Project. There are no State & National Register of Historic Places identified in the viewshed. There is one historic district – the Ewing Park Historic District – in the viewshed. Two visual resources of Statewide Significance, Boutwell Hill State Forest and Canadaway Creek WMA, are within the APE. Significant resources outside of the 5-mile study area include Evangola State Park, Harris Hill State Forest, Zoar Valley Multiple Use Area, Hatch Creek State Forest, and the Seaway Trail.

While visual simulations were accomplished from resources of statewide significance within the APE, simulations should also be considered, if visual impacts are judged to be probable, for trail overlooks within the Harris Hill State Forest, from Evangola State Park, and from the Seaway Trail. These locations are of high importance to the public and could be potentially impacted by the project.

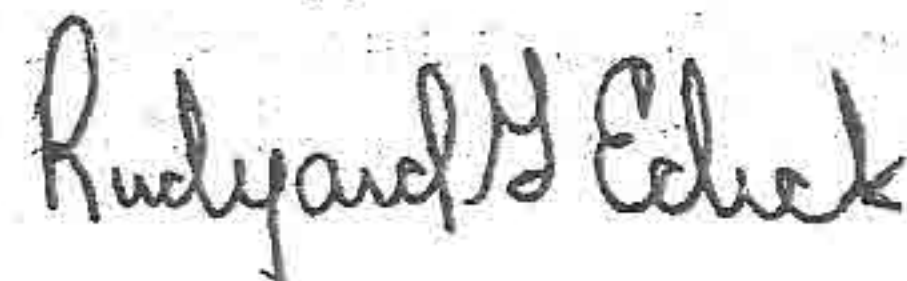
In accordance with DEC Visual Policy, screening should be considered as an option to mitigate visual impacts. Direct mitigation options, when feasible, should be applied such as screening or selective turbine re-location. Offsets should be employed when other types of mitigation would be uneconomic or only partially effective.

Cultural Resources.

Per New York State Office of Parks, Recreation, and Historic Preservation letter dated September 24, 2008, Noble Ball Hill Windpark will have an adverse impact on culture resources within the Area of Potential Impact surveyed. Consequently, the project sponsor must work in consultation with OPRHP to pursue feasible and prudent plans that avoid or mitigate the adverse impacts. DEIS Section 2.30 & 2.31 & Appendix S include a discussion of cultural resources in the project area and the Area of Potential Effect (APE) for visual impacts to historic resources as well as possible mitigation actions. Because the potential visual impacts to historic resources are closely linked to the visual assessment referenced above, DEC's comments regarding mitigation (as described in the above paragraph) apply here as well. Also, the OPRHP September 24, 2008 notes numerous additional visual simulations that should be accomplished as part of the FEIS.

In conclusion, DEC appreciates the opportunity to comment on the DEIS for this project. We look forward to continuing to work with the Town of Villenova as Lead Agency throughout the remainder of the SEQR and permit review processes. If you have any questions or comments, please contact me at (518) 402.9150.

Sincerely,



Rudyard G. Edick
Project Manager

cc: Noble Ball Hill Windpark LLC
Ecology & Environment, Inc
K. Hawley, Noble LLC
A. Davis, DPS
D. May, DPS
M. Brower, Ag. & Mkts.
J. Peterson, NYSERDA
J. Bonafide, OPRHP
S. Metevier, USACE
T. Sullivan, USFWS
S. Doleski, DEC Reg 9
DEC Review Team

November 3, 2008

From: J. Dudley and Diana Robinson (716) 965-4211
9200 Round Top Road
Forestville, N.Y. 14062

To: Town of Villenova
Supervisor-Yvonne Park (716) 988-3476 / 988-7745
1094 Butcher Road
South Dayton, New York 14138

Noble Ball Hill Windpark, LLC (518) 322-7676
P.O. Box 72
7294 Centerville Road
Bliss, N.Y. 14024

Brautigam & Brautigam, L.L.P. (716) 679-0404
32 White Street, P.O. Box 210
Fredonia, New York 14063

Re: Wind Turbine Concerns:

We are appreciative of the hard work done by our Town Board and Supervisor Yvonne Park concerning wind turbines for our community. The DEIS (Draft Environmental Impact Statement) is very comprehensive and extensive. Community members have been given some opportunity to give comments and concerns. Generally, we would be in support of a wind turbine project and the community in it's decision to "cash in." However, we have many issues we would like you to consider.

The following is a summary of concerns and comments we have as permanent residents and landowners on Round Top Road as we reside within the boundaries of the proposed Noble Power-Ball Hill Wind Park.

Initially, we attended the Villenova Town Board meeting on October 8, 2008 where a presentation was made by EDR (Environmental Development and Research) engineers. EDR engineers were hired by the Town to review the DEIS done by Ecology & Environment. Various questions and concerns were discussed between the supervisors, board members, attorney and EDR engineers. Following the discussions, the board voted to accept the DEIS and made a resolution to hold a public hearing on October 30, 2008 at the Villenova Town Hall. We attended the public meeting on October 30, 2008 and shared some concerns.

OUR VERBAL CONCERNS - PUBLIC MEETING: OCT. 30, 2008

- 1) Is adequate amount of bond money being required per tower for tear down costs? We do not believe \$20,000 per tower will be adequate for the future even with recycling of parts, say 10-20 years from now.
- 2) Will Noble be able to get adequate financing to complete the project in today's economic climate? The company that is doing their financing, Babcock & Brown is understood to be struggling.
- 3) Is there a guaranteed market for the power especially in light of lower oil/gas prices, new clean coal technology and the abundance of natural gas.
- 4) We are concerned that Noble was under investigation by NYS attorney general's office and also that the attorneys retained by Noble are "criminal case" attorney's.
- 5) What would happen if Noble sells out to another company? Is there any bond or assurance that the next company will be compliant to the original agreement?

OUR FURTHER CONCERNS:

We believe, further consideration for us as permanent residents is needed. The DEIS, various informational meetings and personal research, are our basis for submitting additional concerns regarding our property rights as permanent daily residents.

Most of the property around us where turbines are being placed is seasonally used land or vacant land. These owners do not share the same concerns as those of us who make our homes here. The change to the landscape and aesthetics will affect us daily. Noise will affect us daily, Construction and repairs will add disruption to our lives. The change to home and property value is also of greater concern for us.

Since we are both "land owners" and "permanent residents" in the area, the impact is much greater for us. Additionally, we would be subjected to the highest degree of visual impact, 360 degrees from any window or viewpoint around the house, front yard, back yard and side yard due to the openness and position of our property. Unfortunately, we would also be subjected to a very significant amount of flicker during sunrise and sunsets too. This along with the noise and health affects will be a great detriment to us in the enjoyment or sale of our property considering the number and close proximity of proposed turbines.

According to the (Set Back Map for Ball Hill Windpark), provided at the Town Hall in Villenova: Master Map Figure 2.23-2 we will be encircled by:

T1, T2, T3, T4, T5, T6, T7, T8, T9, T21, T20, T19, T18.

These thirteen wind turbines, would all be in our line of sight, adding noise, dominating the view whichever way we look. Twelve of these thirteen wind turbines would be close enough to have a multiple audible affect. The closest would be just over 1000 ft. Many more would only be 1500 to 4000 ft. distance.

According to study done by Nina Pierpont - Wind Turbine Syndrome: Noise, Shadow Flicker, and Health (8-1-06), posted July 26th, 2008 in Articles by Nina Pierpont. She gives reference to the *Ellenburg, Clinton, and Altona Wind Energy Facilities Ordinances* which are questionably considered wind turbine "industry standards," and to the *NYS DEC*, and *WHO* (World Health Organization) who have differing standards. There may not be legal requirements on many factors related to wind turbines, but health and wellness consideration must take priority. Problems sited are: sleep problems, headaches, dizziness, nausea, exhaustion, anxiety, anger, and the list goes on. Chronic sleep problems being the number one concern.

The Academy of Medicine of France has recommended a minimum of 1.5km (.96 mile) setback due to noise and health issues. All thirteen turbines listed above except T-20 are closer than the .96 mile recommended.

From the Lincoln Township, WI., Study on Shadow Flicker . . . a setback of one mile was determined. Again as with the findings of The Academy of Medicine of France, approximately a one mile setback is needed for health related reasons.

For Noble to offer action such as "adding curtains to the windows" as was suggested by a Noble employee would add insult to injury. The proposed configuration of wind turbines would subject us to shadow flicker during both sunrise and sunsets. The only realistic mitigation measure is setback distance for both noise and shadow flicker in avoiding all health concerns.

Additionally, it should be noted that T-4 is shown to be located within a 500 ft distance of a residence not shown on the master map and located on a property that is less than 50 acres. We were told by a Noble representative (Tim Marvich) that owners must have at least 50 acres to have a wind turbine. This is also the turbine of greatest concern to us being the closest for noise, causing the greatest degree of shadow flicker, and affecting our primary view.

At this time in the process we have no assurance of any benefit for us or the community in general. We ask you not to come to an agreement too quickly, but to ensure the community is duly compensated for this major undertaking. We hope that the community in general will be compensated with taxes eliminated / paid or such as was done for the community in Eagle. This will help somewhat with property value concerns. All people in the community and especially those permanent residents in the wind park area will be greatly affected by this project and should be compensated proportionately. All the community of owners must benefit reasonably from this project !

SUMMARY OF FURTHER CONCERNS:

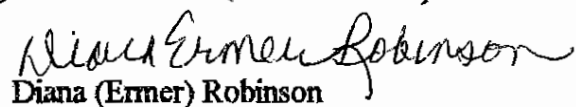
- *Mitigation** - the only realistic mitigation for us is setback distance due to noise, shadow flicker, health, primary view affected along with domination of the general landscape 360 degrees seven days a week for many years to come. Our particular property, due to our location being at the highest elevation on Round Top Rd. and the openness surrounding our residence, will be adversely affected whether we remain as residents or choose to sell. I know of no other property in the project that will be affected as greatly as ours. It should also be noted prevailing winds come from the west of our house with the closest of turbines T2, T3, and T4 in line with the prevailing winds and our home.
- *Setback for permanent residences** should be reconfigured to .96 mile (5068 ft.)
Note: Even for only half the distance, or a .50 mile (2640 ft)
the following turbines near our home would have to be disallowed:
T-2 (2500 ft) , T-3 (2000 ft) , T-4 (1200 ft) , T-5 (2000 ft) , T-7 (1500 ft).
- *T-4** should not be allowable. There is a residence within 500 feet not shown on master map Figure 2.23-2 Setback Map. This is too close a proximity whether a seasonal or permanent residence. And, this property is less than a fifty acre parcel.
- * Set back distance for seasonal homes** should be established due to health concerns, blade failure, ice on blades etc.
- *Our frontage** is incorporated within T-4's 1000 ft. setback circle. This would be a detriment to our building a home or selling lots along our road frontage.
- *All community property owners** must benefit since all would be affected, whether "signed on" with Noble contracts or not.
- * Permanent residents** be given commensurate consideration and benefit.
- * Research multiple options**, such as the new wind silos, geothermal, etc.
Obtain some competing studies for our township and then choose direction.
- * Negotiating** - take plenty of time to ensure full compensation for a project that will drastically change our area for many years to come. There are always other options.
- * Health and Wellness** must remain #1 priority for town board and residents.

When we purchased our property here on Round Top, we were both commuting to work. I drove to Pittsburgh and my wife to Buffalo. That's how much we valued the aesthetics of our home. A log home on fifty acres, a peaceful setting, pursuit of the American dream. The sunsets and sunrises are indescribable from our vantage point. We can even see a portion of Lake Erie. This quiet and peaceful setting is our sanctuary from a noisy world of work and traffic. We especially do not want our (westward) primary view turned into an industrial view. However, whatever the undertaking, we do insist all the community of owners benefit in commensurate ways, particularly those residing in the area and most subjected to the changes. And, that hopefully all concerns be resolved rather than set aside for the sake of financial gain. For our potentially unhealthy and adverse situation, the only realistic mitigation is setback distance. Your consideration and response is appreciated.

Sincerely,



J. Dudley Robinson



Diana (Ermer) Robinson

Pics ENCLOSED:

From: Maggy Wisniewski
Sent: Monday, January 26, 2009 2:18 PM
To: Kristin McCarthy
Subject: FW: DEIS Noble Ball Hill Windpark

Importance: High

Follow Up Flag: Follow up

Flag Status: Completed

Kristin, please see the email from Mr. and Mrs. McGraw regarding the Ball Hill DEIS.

Thanks,
Maggy

Maggy Wisniewski
Communications Associate, Public Affairs
Noble Environmental Power
8 Railroad Avenue
Essex, CT 06426

Mobile: 860.395.8053
Office: 860.581.5010
Fax: 860.767.7041
wisniewskim@noblepower.com
www.noblepower.com

From: kathrynmcgraw@comcast.net [mailto:kathrynmcgraw@comcast.net]
Sent: Monday, January 26, 2009 2:13 PM
To: dspitzer@hodgsonruss.com
Cc: Maggy Wisniewski; villenova@dftwildblue.com; jerpark@dftwildblue.com; JudgeK@aol.com
Subject: DEIS Noble Ball Hill Windpark

January 26, 2009

Sir:

Please include these comments in the Noble Ball Hill Windpark DEIS.

We are off-site Bartlett Hill Road property/home owners who will be directly impacted by the Ball Hill wind turbines. Specifically, T45 will be located only 1075' from our house and less than 1000' from other portions of our property according to information found on Noble's website. Having researched wind turbines and their impacts on nearby residents and having visited the Bliss windpark, it is our informed opinion that a minimum setback of 1000' is very inadequate. Our property will be impacted visually and by the noise and flicker associated with 400' wind turbines sited so closely.

We request that T45 be positioned further south so as to increase its distance from our house.

Thank you for your consideration in this matter.

Michael J. McGraw
Kathryn M. McGraw
744 Bartlett Hill Road

South Dayton, New York 14138

Please direct any correspondence regarding this matter to:

John Kuzdale, Esq.
314 Central Avenue
Dunkirk, New York 14048
(716) 366-6966
JudgeK@aol.com

Comments Recorded at the October 30, 2008 Public Hearing

PROCEEDINGS

TOWN OF VILLENOVA
PUBLIC HEARING

Public hearing held at the Town Hall,
1094 Butcher Road, South Dayton, New York, on
October 30, 2008, commencing at 7:03 p.m.

JACK W. HUNT & ASSOCIATES, INC.

1 MS. TEMPIO: Not at the moment.

2 MR. SPITZER: Town of Villenova is acting as

3 lead agency for the Project of both communities.

4 In addition, from ED&R, Jim and Bob, if you

5 want to stand up and introduce yourselves.

6 MR. PIPPIN: I'm Jim.

7 MR. GALLUCCI: Bob.

8 Jim is an environmental scientist with ED&R.

9 My name is Bob Gallucci. I am a civil engineer.

10 MR. SPITZER: And obviously, Bob has more

11 experience at public hearings than Jim does.

12 ED&R has served as the environmental

13 consultants for the two towns in the review

14 process. In other words, they work for us, for the

15 Town. They don't work for the applicant.

16 I also want to introduce you to the

17 applicant.

18 MR. MCCARTHY: Pat McCarthy and this is

19 Kristin McCarthy. And we're Noble Environmental's

20 representatives.

21 MR. SPITZER: And newlyweds.

22 This is a public hearing on the Project.

23 It's focused on the Environmental Impact Review.

1 APPEARANCES: HODGSON RUSS LLP,
By DANIEL A. SPITZER, ESQ.,
2 Special Counsel,
The Guaranty Building,
3 140 Pearl Street, Suite 100,
Buffalo, New York 14202

4 DONALD H. MICHALAK, ESQ.,
5 Town Attorney,
11 E. Main Street, Suite 2,
6 Fredonia, New York 14063.

7 COUNCIL MEMBERS: DONALD CHASE
SUSAN ECKER-NEWTON
8 JUDY HOWARD-ROSE

9 NOBLE ENVIRONMENTAL REPRESENTATIVES:
PATRICK McCARTHY
10 KRISTIN McCARTHY
11 MEL CONKLIN, Town Board
12 YVONNE PARKS, Supervisor

13

14 MR. SPITZER: Thank you, Madam Supervisor.

15 My name is Dan Spitzer from Hodgson Russ and I

16 serve as special counsel to the Town for this

17 project.

18 There's a few other people I want to

19 introduce who are here. Kathy Tempio, who is the

20 supervisor at Hanover, is here. And I think one of

21 her board members is -- Dick Slawson is also here.

22 Is there anybody else from your board,

23 Kathy?

1 But for the Town of Villenova, it's also the public

2 hearing on the Project. So you can say anything

3 you'd like about the Project, yea or nay.

4 Obviously, it helps the Board if you're

5 specific: I'm in favor because, I'm opposed

6 because. If you have questions about the

7 environmental review, those questions will be

8 answered in what is known as the final impact

9 statement.

10 The final environmental impact consists of

11 the draft impact statement, any changes that are

12 made to the Project, plus a responsiveness summary

13 where each question that is relevant to the Project

14 is answered by the Towns. The Towns are

15 responsible for the FDIS.

16 The DEIS that was mentioned that was

17 reviewed is the responsibility of the applicant,

18 but the Towns are responsible for the environmental

19 review for the Project.

20 This is not a question and answer, even

21 though we are somewhat of a small group and it is

22 informal. This is not, Gee, what is this project

23 about?

<p>Page 5</p> <p>1 This is an opportunity for you to give 2 comments to the Board and to the community of what 3 you think about the Project and ask questions. 4 The process is to follow the code of the 5 State Environmental Review Act and they lay out the 6 process that we hold this public hearing, we are 7 also going to receive written comment. We were 8 going to receive written comment until November 9 10th, but somebody said that the notice may not 10 have gone into the environmental paper. So you can 11 assume that if you're late, don't worry about it. 12 We'll probably be taking written comment at least 13 to the end of the month of November. 14 So if you want to get written comments in, 15 send them to me at 140 Pearl Street, Buffalo, New 16 York, 14202. We'll make sure that, you know, 17 people's comments are answered. 18 So I think we've got a couple -- a list of 19 people who wanted to make comments. The way this 20 works is, we ask you to be respectful, be -- in 21 terms of your time, try not to repeat each other 22 too much. The more facts you can give us as well 23 as asking questions, the better.</p>	<p>Page 7</p> <p>1 MS. ERMER: Yes. 2 MR. SPITZER: Okay. 3 MS. ERMER: I was just -- I'm still 4 confused. We can ask questions or -- how -- like, 5 I had some kind of questions that I wanted to ask. 6 MR. SPITZER: I leave it to the supervisor 7 and the Board. Generally, the law requires that 8 this be a public hearing. It's not necessarily a 9 question and answer. It's up to you. 10 I mean, we have the applicant here. We have 11 our engineers here. If you want to do it as a 12 question and answer, we can. We can see how it 13 goes. If people behave themselves, we can try to 14 answer questions as well. 15 Generally, we only have people give the 16 comments. Normally, we have a lot of people. And 17 usually with wind projects, there's yelling, so 18 that's why we're usually pretty formal about these 19 public hearings. 20 But if the Board has no objection, we can 21 try answering the questions and between either the 22 applicant and the engineers or the Board members. 23 hopefully we can answer them.</p>
<p>Page 6</p> <p>1 Once we go through the list of people, don't 2 worry if you are not signed up, we will still ask 3 your names. 4 I do ask particularly that if you're in the 5 back, since we don't have a sound system, make sure 6 you stand up and speak clearly so that our 7 stenographer can record your questions or comments. 8 First item that you need to do is to state 9 your name and address so we know who it is so that 10 we can link each answer with each comment. 11 So, this is the list, other than -- I've got 12 three names. That's fine. We can all go home and 13 watch TV. 14 The first name I have, and I apologize if 15 I -- Diana Ermer, E-R-M-E-R. 16 MS. ERMER: That's me. I was wondering, can 17 we ask -- 18 MR. SPITZER: Let me -- it is Diana, 19 E-R-M-E-R? 20 MS. ERMER: Yes. 21 MR. SPITZER: 9 -- 22 MS. ERMER: 9200 Roundtop Road. 23 MR. SPITZER: In Forestville?</p>	<p>Page 8</p> <p>1 If there's no objection to that? 2 THE BOARD: No. 3 MR. SPITZER: We'll see how it works. So go 4 ahead and ask your question. 5 MS. ERMER: Okay. Well, my first question 6 was, I don't even know, like, how many Board 7 members do we have? I am kind of ignorant. We 8 just started coming to Board meetings. 9 THE BOARD: Four. 10 MS. ERMER: My question is, how many people 11 who are Board members are going to have the wind 12 turbines on their property? 13 MR. SPITZER: None of them. 14 MS. ERMER: That was one of my questions 15 that I was wondering about. So we have other 16 notes, but that was something I wanted to ask. So, 17 for now, I'm sitting down. 18 MR. SPITZER: That worked out great. We are 19 rolling now. And now JD Robinson, also at 9200 20 Roundtop. 21 MR. ROBINSON: Right. I go by Dudley most 22 of the time, but at work, they know me as John, so 23 it is confusing. John Dudley, JD, whatever.</p>

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1 their expense.

2 MR. ROBINSON: Will this apply also if it's
3 taken over by another company? Will this factor in
4 if it is bought out rather than Noble -- somebody
5 else now owns it?

6 MR. SPITZER: Yes.

7 MS. ERMER: Or if Noble went bankrupt or
8 something like that?

9 MR. SPITZER: The way the law is written and
10 the way we have always written the host agreements,
11 the bond belongs to the Town and not to Noble.

12 Therefore, if they go bankrupt, then
13 decommissioning is there. But you have to
14 understand that there is something in the
15 bankruptcy law called the automatic stay, which
16 basically says thou shalt not touch unless the
17 Court gives you permission.

18 Generally, as long as those things are still
19 turning and somebody's collecting money, they will
20 be making payments to the Town and for taxes and to
21 the farmers, even if they go bankrupt.

22 If they go bankrupt and abandon the project,
23 then that's where that bond comes and you will be

Page 15

1 I don't think there's any project of any
2 scope or size in this country that you could say
3 was definite the way things are.

4 MR. ROBINSON: Yeah, because I -- I mean, I
5 can see a real problem financially for them as the
6 company doing the Project which would then very
7 directly affect us, too, I mean, what we're
8 planning, all the work and money that's spent.

9 But I was just wondering how secure it was
10 that they would have the financing or if they could
11 even offer that at this point.

12 Do they have a backup plan is maybe what I
13 should be asking.

14 MS. PARK: Continuing on with the Project as
15 far as time-wise --

16 MR. SPITZER: We're still -- the supervisor
17 is mentioning that we are still continuing on with
18 the Project. They are paying us to do the review.
19 It's not Town tax dollars that are being used for
20 this review.

21 If at some point they say, we can't get
22 financing, never mind, that's still their call.

23 MS. PARK: We're still on schedule.

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1 able to have your Town attorney go to Bankruptcy
2 Court and seek to have an order to exorcise the
3 bond, if in fact nobody's going to take them over.

4 MR. ROBINSON: The next question. In lieu
5 of the economy and the things that are happening
6 now with the banks going out of business, you know,
7 the financing just in turmoil, is this project
8 something the financing has already been secured?

9 Could it have -- have we looked at the
10 possibility that it may just change all of a sudden
11 over the next year when they just start building?
12 Is that money actually going to be there for the
13 duration to complete the project?

14 MR. SPITZER: I don't know whether or not
15 our friends from Noble want to answer questions
16 about their financing. But I can tell you,
17 generally, if they start building, they will
18 finishing building because that means some bank has
19 put up the money and it's in the bank.

20 What they probably have now is they probably
21 put a deposit, a pretty significant deposit, down
22 on the turbines. But if there's no cash, then, no,
23 they won't build.

Page 16

1 MR. ROBINSON: Okay. At this point?

2 MS. PARK: Uh-huh.

3 MR. ROBINSON: Good. The other thought was,
4 where we're located, we've got turbines going up in
5 the sunset area of the front porch. It will even
6 be multiple turbines across the road from us.

7 My wife's looked through the initial study,
8 through the books, and there's a flicker effect.
9 And she said that it's rated the highest -- it was
10 up to 40.

11 MS. ERMER: Well, it was greater than 40.
12 Who knows what greater than 40 is. But it's 1200
13 feet away from us and the view of sun.

14 MR. ROBINSON: We're not real happy about
15 that.

16 We're just wondering what the actual amount
17 would be rather than greater than 40. Can we get
18 an actual amount? A real time estimate of what it
19 would be?

20 MR. SPITZER: Jim and Bob, you speak up if
21 you want. But I always thought the problems of
22 real time estimates is the actual amount of flicker
23 time was always an estimate because you don't know

4 (Pages 13 to 16)

Page 9

1 I guess I will try to put these into context
 2 of comments. But before I do, I want to
 3 congratulate the Board for the studies that they
 4 have done and because they make that public because
 5 I think my wife and I have both sat and called on
 6 them. We think it's an excellent job you've done
 7 and I think that should be noted.
 8 My first comment or question/comment would
 9 be we live on Roundtop and we have several turbines
 10 that are listed on the maps that we looked at in
 11 the books, but we find a discrepancy as to how many
 12 turbines would be across the road from us.
 13 And we wonder if we can get that cleared up
 14 at some point, whether you know for sure,
 15 yourselves, or anyone here knows.
 16 MR. SPITZER: Do we have the most current
 17 map in terms of the map that's here of the Project?
 18 Is that the most current map?
 19 MS. K. MCCARTHY: There are several maps in
 20 the DEIS. Some of them show some of our earlier
 21 alternative layouts, so you just want to make sure.
 22 In section 1 there's a couple 8 1/2 by 11s and
 23 those are kind of small. But definitely check out

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1 the setback map of section 2.23 and 2.24.
 2 MR. SPITZER: With the Town's permission, if
 3 I may ask you to do this, Kristin, will you make
 4 sure that there's a project map both in the Hanover
 5 and this Town Hall by the end of next week that's
 6 the most current proposal, because I know there's
 7 one hanging up in Hanover Town Hall also, and we
 8 want to make sure it's the most current one.
 9 MS. K. MCCARTHY: Okay.
 10 MR. SPITZER: So will you just make sure
 11 that whatever maps are in Town Hall are the most
 12 current proposals and that way we can make sure --
 13 MR. ROBINSON: People won't be confused as
 14 to which one to go by -- which is the real truth.
 15 MR. SPITZER: Okay. We'll give them a week
 16 to update the maps and then --
 17 MS. K. MCCARTHY: The maps will not change
 18 at all, though.
 19 MR. SPITZER: Okay. So the maps are pretty
 20 much --
 21 MS. K. MCCARTHY: What's in the DEIS is the
 22 layout.
 23 MR. ROBINSON: We just need to know which

Page 11

1 one in there is the most current and most up to
 2 date.
 3 MS. K. MCCARTHY: Okay.
 4 MR. SPITZER: Thanks, Kristin.
 5 MR. ROBINSON: We were concerned, my wife
 6 and I were both concerned about the amount of bond
 7 that would be put up to remove these turbines.
 8 And I've spoken with an attorney that has
 9 been more recently involved in these things with
 10 other companies and he was indicating something
 11 like 20,000 per turbine. I don't know what our
 12 figure is here.
 13 But he said generally what they are offering
 14 is not anywhere near what would realistically be
 15 required to take them down at a later date.
 16 MR. SPITZER: You know, it depends on the
 17 market. Right now, the market for used wind
 18 turbines is so hot that you will be able to sell
 19 any used turbine --
 20 MR. ROBINSON: Right now.
 21 MR. SPITZER: -- for more than the cost. So
 22 what we usually set up, and they have made a
 23 proposal, the Town Board hasn't made a decision yet

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1 on what the plan will be, but what is usually done
 2 is you have your engineers figure out the cost of
 3 decommissioning.
 4 You then subtract from that per tower then
 5 the expected salvage costs. That equals an amount
 6 per tower as you multiply it by the amount of
 7 towers that you require in a bond. You then
 8 require that that be updated on a regular basis.
 9 For example, one project we recently
 10 concluded, they have to update it every couple of
 11 years for the first few years.
 12 And then after 15 years, they have to update
 13 it every year because after 15 years, it is more
 14 likely to be changed.
 15 MR. ROBINSON: Because today's towers --
 16 MR. SPITZER: Right.
 17 THE WITNESS: -- won't be 20 years from now.
 18 MR. SPITZER: And the wind turbines
 19 themselves may depreciate in value. So whatever
 20 plan there is, we'll -- and I believe their plan
 21 that they recommend includes this, will be updated
 22 on a regular basis by our engineers.
 23 By the way, it's updated by our engineers at

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1 what days are going to be cloudy.
 2 You don't know what angle the wind is going
 3 to be coming in at and therefore that's where the
 4 blades turn into the wind.
 5 So it is usually that the log always gives
 6 you the worst case scenario, don't they? So I
 7 think, and I'm going to ask the engineers to slap
 8 me down if I am wrong, but generally if it says 40,
 9 it means not more than 40.
 10 Isn't that correct?
 11 MR. GALLUCCI: It's a range then.
 12 MR. PIPPIN: That would be like the worst.
 13 MS. ERMER: Greater than 40, it says. It's
 14 in a red area zone.
 15 MR. PIPPIN: After that, I don't know. I
 16 would have to look at the specific sites you're
 17 talking about.
 18 MR. ROBINSON: Is it possible to get that
 19 information?
 20 MR. PIPPIN: I don't know if Saratoga --
 21 we'll have to look at the person, you know, the
 22 group that did the actual analysis to see -- to
 23 look at site specific. When we would look to

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1 review it, we would not look at every specific
 2 site.
 3 MR. ROBINSON: Could you explain to us what
 4 greater than 40 means?
 5 MR. PIPPIN: Not at this time.
 6 MR. ROBINSON: You're talking about 40
 7 hours? Is that what we are talking about? 40
 8 hours of flicker time?
 9 MR. PIPPIN: Right.
 10 MR. ROBINSON: Per year?
 11 MR. PIPPIN: I'm trying to remember how they
 12 broke it down, but I think it is per month, if I
 13 remember that.
 14 MR. SPITZER: I think it's safe to say that
 15 based on these questions, the Board is probably
 16 going to be looking at Noble to put into the FDIS
 17 more specific numbers than greater than 40. And
 18 that they will be able to do that.
 19 Is that a fair statement?
 20 MS. K. MCCARTHY: Most likely.
 21 MR. SPITZER: Since it was your suggestion
 22 that I repeated?
 23 So the FDIS will have more specific numbers

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1 for you.
 2 MR. ROBINSON: Okay. I guess, just to
 3 comment also in conjunction with the finance,
 4 financibilities of what's going on.
 5 In talking with the attorney, he talked
 6 about oil, gas prices being so much lower. Does it
 7 make sense to do turbines? Tax credits that either
 8 Noble is depended on bond and the guaranteed market
 9 for power?
 10 Those -- those are some of the other factors
 11 of the economy that should be considered.
 12 Especially for them, but also for us. Does it make
 13 it a viable project?
 14 MR. SPITZER: May I ask you what you do for
 15 a living?
 16 MR. ROBINSON: What I do for a living?
 17 MR. SPITZER: Yeah. And I will tell you why
 18 in a second. What do you do for a living?
 19 MR. ROBINSON: Right now, school bus driver.
 20 MR. SPITZER: Okay. If you had your own
 21 school bus company, does the Town tell you how many
 22 school buses to own?
 23 In other words, we don't tell them how to

Page 20

1 run their business. What we do tell them is things
 2 like the flicker effect.
 3 You know, we could say, there is too much
 4 flicker effect.
 5 MR. ROBINSON: Well, yeah --
 6 MR. SPITZER: We could say, there is too
 7 much flicker effect. The point I'm getting at is,
 8 not by any means to pick on the question, but we
 9 don't have a right to say yes or no to any business
 10 based on the economics.
 11 The fact of the matter is, I hear these
 12 things at hearings all the time. Gee, these things
 13 don't make money.
 14 Nobody builds a two hundred million dollar
 15 project that isn't intended to make money. Most of
 16 the electricity is pre-sold into what's called a
 17 hedge. So the price is set long before the banks
 18 ever sign the checks.
 19 And most of projects that you see going
 20 forward are ones that made sense before oil ever
 21 went up. Now everybody is saying, well, oil is
 22 down, so nobody is going to build wind.
 23 But everybody forgets that two -- you know,

Page 21

1 and year and a half ago oil was right where --
2 basically where it is now.

3 That's not what is driving the economics.
4 It's the overall picture of energy costs, electric
5 costs in New York, the cost of money, the cost of
6 the production tax credits, the renewable energy
7 credits, there is all the accelerated depreciation.

8 No one is going to finance this if it can't
9 make a return on equity. But why I asked about
10 your business, we don't as a town say -- ever tell
11 people, you can't open that store. We don't think
12 it makes sense.

13 MR. ROBINSON: No. I'm not saying that.

14 MR. SPITZER: On a much larger scale, that's
15 where the questions on financing take us. And
16 that's not an area where we're allowed as a town to
17 make decisions.

18 We have every right to say, you need to move
19 that turbine. There's too much flicker effect on
20 people's home.

21 But we don't have a right to say, we're not
22 going to allow you to build the project.

23 I have to tell you too that I have been at a

Page 23

1 up a possible scenario for the sake of saying, are
2 we aware some of these things could happen?

3 Maybe it goes bankrupt just like I -- I took
4 a retirement from US Airways. I got into
5 retirement, a year later they took away my
6 benefits. Another year, year and a half later they
7 took away the money. I was left with nothing.

8 These things happen. Because they say they
9 are going to do it and because things are going to
10 happen that are supposed to happen, doesn't mean
11 they always happen the way we expect them to.

12 MR. SPITZER: It's true. But the problem is
13 is that Towns are in a position to make judgement
14 on people's business calls.

15 MR. ROBINSON: Right.

16 MR. SPITZER: And so --

17 MR. ROBINSON: I'm not saying that.

18 MR. SPITZER: And so even if the Town
19 really -- even if the Town --

20 THE WITNESS: Just to create awareness.

21 MR. SPITZER: So even if the Town really
22 thought that this is a terrible time to build this
23 kind of project, it is not our call.

Page 22

1 lot of hearings where people say, gee, these things
2 don't make sense. Why are you building them?

3 Banks do do stupid things. We have all seen
4 proof of that, but, you know, for the most part,
5 they don't do them on purpose.

6 If you're looking at these projects in terms
7 of whether they make sense, the fact of the matter
8 is that New York State has said it wants renewable
9 energy and will pay more for renewable energy and
10 that's really what's driving the wind energy
11 industry in New York.

12 MR. ROBINSON: I'm not asking the Town to
13 make a -- or suggesting you should make a decision
14 for them or make their decisions. I'm just saying
15 I think we, as a town or, I'm sure, Noble is
16 looking out for themselves and aware of it. We're
17 not necessarily aware of some of the things that
18 they have to put up with to make this happen.

19 So do we have a contingency? I mean, are we
20 aware that say, if they get part way into it and if
21 everything failed, do we have a contingency plan?
22 Do they have a contingency plan?

23 Is this something that -- I'm just setting

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1 What we can look at is, what are the
2 economic, environmental, and social impacts
3 together.

4 MR. ROBINSON: Right. Exactly.

5 MR. SPITZER: And, you know, the reality is
6 that for any project to get built in the next few
7 years, because you have the same number of projects
8 now chasing a heck of a lot fewer dollars.

9 MR. ROBINSON: I agree.

10 MR. SPITZER: This project may finish
11 environmental review and then never get built.

12 MR. ROBINSON: Exactly. That's what I'm
13 trying to say. That's exactly what I am saying.

14 MR. SPITZER: That's not the Town's
15 responsibility to have a plan B.

16 THE WITNESS: Okay.

17 MR. SPITZER: Yeah, Jim. It you want to --

18 MR. PIPPIN: I just wanted to say that
19 shadow flicker, the greater than 40, that's just a
20 range that was given as 40 hours per year. Just to
21 clarify that just looking back, I gladly did not
22 memorize the visual analysis and those are annual
23 hours based on and the range that was given.

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1 If you were to look actually in the appendix
 2 for the visual analysis, you would find in there
 3 whatever property you're talking about, there is
 4 receptors that would indicate and would give you
 5 actual hours for that.
 6 But for the wind, they have a few shadow
 7 maps there for the flicker analysis and just most
 8 of those areas are in range. But if you have a
 9 specific site, you can look in there and find --
 10 MS. ERMER: Well, I saw them on the map and
 11 our map -- where our house is located, it's a
 12 red -- really dark red area. Very narrow, but it
 13 has the highest flicker rate.
 14 MR. PIPPIN: There are several properties
 15 within the Project that have what they are
 16 considering high flicker rates, so your property
 17 could be one of them.
 18 MS. ERMER: It's not on our property.
 19 MR. PIPPIN: All I can say is, to get into
 20 more detail, the Town will respond to that -- to
 21 give more detail.
 22 MS. ERMER: Thanks.
 23 MR. PIPPIN: Thanks.

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1 MR. ROBINSON: I'm getting close.
 2 Do we have a way of plans of transitioning
 3 from one company to another should Noble go into
 4 bankruptcy or they just want to sell out to another
 5 company where the things that have been planned out
 6 carry across to the next company?
 7 MR. SPITZER: The law that was passed by
 8 this town requires that they get approval for any
 9 transfers of the company and the basic requirement
 10 is that the new company assume the obligations of
 11 the old.
 12 MR. ROBINSON: Okay. Will there be any bond
 13 or anything set up for that or --
 14 MR. SPITZER: For the decommissioning for
 15 the security, it's up to them to propose something.
 16 Usually it's a bond, but it could be a
 17 letter of credit.
 18 MR. ROBINSON: The next question is, the
 19 snowmobile trails. We have one that runs the
 20 perimeter of the back of our property, around the
 21 50 acres that we own and comes out towards the
 22 front.
 23 I just wanted to know what the effect is

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1 here with the turbines, whether there is a setback
 2 distance to the trails or snowmobile riders.
 3 I know we talked at the last meeting, we
 4 mentioned about ice coming off the turbine blades
 5 and even a possibility of the failure. And these
 6 things run through the woods, I assume it would be,
 7 you know, all season.
 8 MS. ERMER: Well, a lot of where the
 9 snowmobile trails go through is where the turbines
 10 are going to be. And somebody had said it has to
 11 be 500 feet away from the turbines, so does anybody
 12 know?
 13 MR. SPITZER: The law does not have a
 14 setback requirement for the snowmobile trails.
 15 Kristin, I don't know if you know how far back the
 16 turbines are.
 17 MS. K. MCCARTHY: From the snowmobile
 18 trails?
 19 MR. SPITZER: Yeah.
 20 MS. K. MCCARTHY: I am sure we have that in
 21 the FDIS.
 22 MR. SPITZER: We'll get you the answer.
 23 MR. ROBINSON: Has there been any studies

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1 done on the effect of -- well, I know possibly on
 2 some animals or birds by you, but has there been
 3 any studies done on the effect on horses?
 4 We have horses and my wife is concerned, so
 5 I have to ask.
 6 MR. SPITZER: You can check with the AG
 7 Department, but I am not aware of any -- you know,
 8 the AG Department is one of the biggest supporters
 9 of wind.
 10 I know that when the wind started coming in
 11 a big scale, the big issue was whether or not they
 12 create stray voltage because that's a real problem
 13 for dairy farmers. And basically the way these
 14 things are grounded, the answer was no.
 15 And there's now enough turbines on farms in
 16 New York that there should be some history.
 17 MR. ROBINSON: I -- I think the cattle are
 18 not bothered by them.
 19 MR. SPITZER: I think that, you know, asking
 20 Noble to look into horses is not an unfair
 21 question.
 22 MS. K. MCCARTHY: I can tell you right now
 23 there is no research on it. But like you said, the

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1 stray voltage addressed in the DEIS and I think
2 just from the existing wind farms, mostly that's
3 it.

4 MS. ERMER: Well, you see pictures of cow
5 pastures with the wind turbines. I haven't
6 actually seen pictures of horses out in the
7 pastures. I know horses are kind of weird about
8 things.

9 MS. K. MCCARTHY: Right.

10 MS. ERMER: And that's what, you know, a
11 woman said all the horses were going to be afraid
12 of them. So I was wondering if you knew of any
13 horse pastures.

14 MS. K. MCCARTHY: We have a lot of horse
15 pastures in Bliss. I will see what we can dig up.

16 MR. CHASE: I might add there was a fellow
17 by the name of Ward, on Route 39, over in
18 Forestville -- Mike Ward.

19 He has horses there. You can ask him how
20 long it took his horses to adjust to it.

21 MR. ROBINSON: I will do that.

22 MR. CHASE: I'm sure there was a time period
23 that it probably scared them.

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1 generally offers to the community, the towns, the
2 school, and the county \$8,365 per megawatt.

3 That increases each year with inflation. We
4 absolutely haven't gotten to that stage yet here.

5 But it's safe to say that if the Board doesn't feel
6 that the benefits outweigh the negatives, they are
7 not going to say yes to the Project.

8 Is that a fair statement?

9 MS. PARK: Yes.

10 MR. SPITZER: They are not looking at it
11 just in terms of the people who have leases. They
12 are looking -- they are really making the
13 determination for the whole community.

14 So I think the Board, I think would agree
15 with what you just said.

16 MR. ROBINSON: Good. You know, because we
17 don't have anything projected to go onto our
18 property, but yet at the same time, we have a high
19 property, a property that's open around us and
20 we're, you know, it's 360 scenic at this point for
21 us.

22 What we're going to be seeing is 360
23 turbines because we have the visibility --

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1 THE WITNESS: I'll probably be talking to
2 him Sunday.

3 MS. ECKER-NEWTON: When we visited Bliss,
4 there was an Amish barn and he has several towers.
5 And so, you know, I would think if this had been a
6 problem by now, Noble would know.

7 MR. ROBINSON: I'm sure they adapted.

8 MR. SPITZER: I have to admit, I pretty
9 much -- I think I have seen just about every FDIS
10 available and I never heard of an issue with
11 horses.

12 MS. ECKER-NEWTON: Any kind of livestock.

13 MR. ROBINSON: Our feeling on the community
14 as a whole benefiting, we're hoping that there is
15 something that is there for all the community, not
16 necessarily just the people who have been able to
17 have the turbines.

18 It does affect the whole community. I
19 wonder if anything had been secured or determined
20 in that direction.

21 MR. SPITZER: I don't think anything has
22 been determined yet, but I think I can tell you
23 without giving away any negotiations that Noble

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1 MS. ERMER: No. Not 360 turbines.

2 MR. ROBINSON: Well, 360 degrees. I clarify
3 myself.

4 MS. ERMER: We have a view of Prospect, Pope
5 Hill, and then we're on Roundtop, so we're going to
6 be surrounded.

7 So we're going -- the back of our house, we
8 look out and we see Pope Hill and Prospect. They
9 are farther away from Roundtop. But on Roundtop,
10 we look out the front. So we're going to be
11 surrounded by them.

12 MR. ROBINSON: You know, people would say
13 you are for it and we are for this project. But,
14 you know, they are going to say, well, they might
15 say, yeah, but not in your backyard, right?

16 It's not just our backyard, it is our front
17 yard, our side, it's 360 degrees for us plus the
18 flicker effect.

19 So we are definitely concerned about it,
20 especially what's going to be across the street
21 from us, the five or six turbines.

22 And, again, too, we're year-round residents.
23 Some people that own property that will maybe have

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1 turbines maybe are not even full-time residents.
 2 They are just here and gone or off for hunting,
 3 whatever.
 4 So I guess that's pretty much the gist of it
 5 for us. We tend to object to the turbines across
 6 the road from us on the west side. The rest of the
 7 Project I think we could live with, but that kind
 8 of sums it up for us.
 9 MR. SPITZER: The next name I have is Dana
 10 Bennett.
 11 MR. BENNETT: Dana Bennett, 469 Route 39,
 12 Forestville. I believe this project has been going
 13 on for what? Three years, right?
 14 MR. SPITZER: That's about right.
 15 MS. PARK: Right.
 16 MR. BENNETT: Okay. Well, I just found out
 17 about it a few months ago and I am still running
 18 across people that have no idea.
 19 I do not feel the notification of this
 20 project is realistic. It's ridiculous. Everybody
 21 has a right to an opinion, but you need the
 22 information to form that opinion.
 23 And this is a major project. It's going to

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1 affect everybody here and it's going to affect
 2 everybody for the rest of their lives here.
 3 It's just like I said, I feel any
 4 notification that has been made here is in adequate
 5 and needs to be readdressed. That counts for both
 6 towns, Town of Hanover and Town of Villenova.
 7 I know there is going to be a mixture of
 8 comments and questions. I have both. I moved into
 9 the area eight years ago from Tonawanda. I wanted
 10 to get out of the city and now all of a sudden the
 11 city's following me out here.
 12 It's -- I've done some research into it. I
 13 tried to go into it with an open mind. The more I
 14 look into it, the more I don't want it there. And
 15 like I said, everybody has a right to their
 16 opinion. I do too.
 17 Like I said, the one thing is a major visual
 18 impact. According to your books, from my house
 19 I'll be able to see 42 out of the 60 turbines. The
 20 closest one will be just a hair over half a mile
 21 from my house.
 22 I don't know what it's going to do as far as
 23 sounds. I'm a truck driver. I need my sleep. If

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1 it's going to keep me up at night, there's going to
 2 be some serious problems.
 3 I don't believe this blends with the country
 4 atmosphere that we have out here. The reason that
 5 I moved out here. Even in the ad when I bought my
 6 house, it mentioned the beautiful views. That's
 7 why I bought my house. That's what brings me peace
 8 and happiness at my house and this is going to
 9 drastically change that.
 10 Whether you are for it or against it, it's
 11 going to drastically change.
 12 MS. HOWARD-ROSE: Have you visited a wind
 13 park anywhere?
 14 MR. BENNETT: I have not yet. I have been
 15 near them, but not up close to them.
 16 MS. HOWARD-ROSE: I was going to suggest you
 17 keep going up 39 and go up to Bliss.
 18 MR. BENNETT: I've seen them, but like I
 19 said, it has been from a distance.
 20 MS. HOWARD-ROSE: And stand the 50 feet away
 21 and listen to what you can hear.
 22 In my 82 year old mother's words, she said,
 23 that noise would put me to sleep. It's very, very

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1 quiet.
 2 MR. BENNETT: I've heard that from many
 3 people. But I've also heard the opposite from
 4 people who live right next to them too. So I don't
 5 know what to expect.
 6 MS. HOWARD-ROSE: I just suggest that you
 7 take to ride up to see.
 8 MR. BENNETT: I understand. I agree with
 9 you.
 10 MS. HOWARD-ROSE: That will give you an idea
 11 also of what they look like when they are in the
 12 landscape.
 13 MR. BENNETT: Yeah. That I have seen and
 14 it's --
 15 MS. HOWARD-ROSE: When you're sitting up on
 16 a road and look across and see what they look
 17 like -- and we've been definitely taking that into
 18 consideration as we move on in this project.
 19 MR. BENNETT: Like I said, I don't expect I
 20 can stop anything from coming in, but I'm darn well
 21 going to stand up and give you my opinion.
 22 I mean, I work just as hard as anybody else
 23 for my property. I looked -- gosh, I looked for a

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1 house for over two and a half years, trying to find
2 a house that I was going to spend the rest of my
3 life in. And like I said, this is drastically
4 going to affect that.

5 I believe that a person has the right do
6 what they want with their property until it crosses
7 the line of how somebody else can enjoy their
8 property.

9 Another question I have, you said it was a
10 200 million dollar project. Percentage-wise, what
11 of that is coming from the Federal and from the
12 State?

13 MR. SPITZER: None of it will come from the
14 Federal or State. All the credits will be paid
15 based on generation.

16 MR. BENNETT: I mean the money to build the
17 Project and all that. Because I heard that it was
18 65 percent coming from Federal and 10 percent from
19 State.

20 MR. SPITZER: Now you've learned one thing
21 for sure. Whoever told you that shouldn't be
22 trusted. Zero from the State. Zero from the
23 Federal.

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1 Where the subsidies are of State, Local, and
2 Federal are always on the production end.
3 Relief from real property taxes, relief from
4 mortgage taxes, what the IDA offers them, a
5 production tax credit, renewable energy credits are
6 what the State and Federal Government offer them.
7 The Feds also offer them accelerated depreciation.

8 THE WITNESS: Okay.

9 MR. SPITZER: But there is no Federal, State
10 money in the construction.

11 MR. BENNETT: With the money, you just said
12 about \$8,000 per turbine --

13 MR. SPITZER: Per megawatt.

14 MR. BENNETT: Per -- well, is that --

15 MR. SPITZER: I think they are proposing 1.5
16 megawatt turbines.

17 MR. BENNETT: That's what the towns are
18 looking at -- or the County is looking at getting
19 per tower.

20 MR. SPITZER: That's what the town, school,
21 and county has been offered in other communities
22 where Noble currently has projects and what they
23 are unofficially telling us they expect to make as

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1 All the money that goes into every wind farm
2 that has been built in New York is 100 percent
3 private.

4 They may sell some of the benefits like tax
5 credits. They may sell them to private companies.
6 GE Capital buys invest tax equity financing, so
7 they may get the production tax credits.

8 But the way the Federal and State subsidies
9 work is they are paid based on production. There
10 is absolutely zero dollars of any kind that I am
11 aware of -- and you all correct me, or the
12 engineers correct me, but there is absolutely zero
13 State and Federal dollars to subsidize
14 construction.

15 So whoever told you that doesn't know what
16 they're talking about.

17 MR. BENNETT: So no Federal money is
18 going -- no taxpayer money is going into
19 instruction.

20 MR. SPITZER: None into construction.

21 MR. BENNETT: Per the leases or anything
22 like that.

23 MR. SPITZER: No. I am going to be upfront.

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1 an offer.

2 And you heard the one gentleman talk about
3 financing. If Noble has, let's say, a three year
4 delay and other projects around the State get more
5 money, you should assume that your Board is not
6 going to accept a discounted fee.

7 I mean, again, I think I can speak for the
8 Board. They expect to get paid what the market
9 rate is. Every project and economics is different.
10 Here in this town, you have a very long line to get
11 to the grid, which is very expensive.

12 You don't have that, for example, in Steel
13 Winds. It literally is like 50 feet that they had
14 to go to reach a substation, so it depends.

15 Yeah. So it's about 12 -- 12,500 a turbine
16 is what --

17 MR. BENNETT: Okay. And is there -- as far
18 as being split, how much will actually go to our
19 community?

20 MR. SPITZER: That depends on --

21 MR. BENNETT: I know about IDA and stuff
22 like that.

23 MR. SPITZER: IDA is a separate pot. I know

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1 there has been a lot of stuff in the newspaper
 2 about Cattaraugus County and that they are fighting
 3 over money over there. There is a lot of what is
 4 in the newspaper that is wrong. Whatever money the
 5 IDA gets is their fee, which is one percent of the
 6 Project.
 7 That's a separate pot from the money that's
 8 offered to the town --
 9 MR. BENNETT: It's not taking away from my
 10 community.
 11 MR. SPITZER: It doesn't take away a nickel.
 12 MR. BENNETT: Okay.
 13 MR. SPITZER: And I get that question a lot
 14 ever since the Cattaraugus County people started
 15 fighting with each other because there was a lot of
 16 confusion in the newspapers.
 17 But the IDA fee is totally separate than the
 18 offers of money to the community. And how much
 19 each town, school and county gets, that's the
 20 subject of -- basically arm wrestling that we met
 21 on as recently as last night, I believe.
 22 MS. PARK: Right.
 23 MR. SPITZER: So that arm wrestling, if you

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1 will, is ongoing as to how the entities will split
 2 it up.
 3 MR. BENNETT: Okay. That's the only thing
 4 that will help me deal with it if it's helping my
 5 community sufficiently to make it worth the cost of
 6 what we're all going to sec.
 7 MR. SPITZER: I don't think anyone on the
 8 Board would disagree with you. That's the bottom
 9 line absolutely.
 10 And I really don't think you should feel
 11 like you should suppress your opinion or negate
 12 your opinion. The Board is going to listen to what
 13 you have to say just as they did for the others.
 14 I would also encourage you, not only to
 15 visit the windmills, but as I said, we're going to
 16 take written comment. You can go out and visit
 17 them and you have some comments, okay, now, I've
 18 gone and seen them. Here's my comments. Don't
 19 hesitate to supplement your comments.
 20 MR. CROWELL: Down in Castile, they did away
 21 with the taxes after their windmills were put in
 22 their township.
 23 MR. SPITZER: Your name please, sir.

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1 MR. CROWELL: Howard Crowell, C-R-O-W-E-L-L.
 2 MR. BENNETT: Another thing I want to bring
 3 up is, Noble says it will not negatively effect
 4 property values.
 5 I really don't see how that can happen. If
 6 I go to sell my house, I'm going to have a number
 7 of people come to look at that. A certain number
 8 of people are going to be turned away because they
 9 don't want to live next a wind farm, you know?
 10 So fewer people, that means the price of
 11 that house is going to go down to sell it.
 12 MR. SPITZER: There -- you can get on the
 13 Net and there are a lot of studies that have
 14 already been done and they asked and I guess the
 15 DEIS did one for this area.
 16 There is no evidence that wind sales -- wind
 17 farms lower property values. And in a number of
 18 towns, because of the significant tax reductions,
 19 there is at least anecdotal evidence that they
 20 significantly raised property values.
 21 Because people who don't mind the windmills
 22 want to live in a town that has lower taxes.
 23 I think you hit it on the head. I've done a

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1 lot of tax assessment work in my own career and I
 2 think, like you said, a person who can buy a house
 3 either with the windmills or without the windmills
 4 may be somebody who doesn't want to look at
 5 windmills and doesn't look at the taxes, so you may
 6 lose a buyer for that reason.
 7 But I don't know if that's going to be
 8 quantified. I have to tell you, we now have eight
 9 or nine operating wind farms in New York and
 10 there's no evidence of decline of property values
 11 anywhere in the State. There is evidence of
 12 increases in property values.
 13 MR. BENNETT: Another thing I have, now this
 14 is from the Internet, something that Glen Cramer, a
 15 councilman from Sheldon, had mentioned. I don't
 16 know who did the wind farm out there.
 17 MR. SPITZER: My clients did, Invenergy.
 18 MR. BENNETT: But it said that they brought
 19 in 2,000 loads of industrial waste from Bethlehem
 20 Steel and worked it into the thousands of other
 21 loads of crushed stone.
 22 MR. SPITZER: Yes.
 23 MR. BENNETT: I want to know, is that -- did

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1 that happen? Can that happen here?
 2 MR. SPITZER: Absolutely. Why not? There
 3 is 20,000 tons of that stuff in Upstate roads.
 4 Mr. Cramer is a long time wind opponent who is on
 5 the Board and he is still trying to kill the
 6 project even though they have almost built it.

7 I actually did a tax case for Bethlehem
 8 Steel so I know that property really well because I
 9 represent the City of Lackawanna.

10 And starting in about the 1890's, Bethlehem
 11 would produce this slag and it started pushing the
 12 slag literally into the lake. Most of the property
 13 on the west side of Route 5 is actually slag, not
 14 real property, at the Bethlehem plant.

15 In Bethlehem, they operated for 90 years one
 16 of the largest steel mills in the world. Starting
 17 in about 1983, Buffalo Crushed Stone started mining
 18 that stuff.

19 And they mine about 25 million tons which
 20 the DOT has used in roads all over the place. It's
 21 industrial slag that the DEC specifically approved
 22 it for the Sheldon Project.

23 There's a letter that the DEC wrote that

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1 said, yes, this stuff in fine. And there's a
 2 gentleman named Paul Wortman, who was the engineer.
 3 Someone asked him at the Town Board the other day,
 4 what will this do to my well?

5 And he said, well, if you put the slag in a
 6 glass of water, you could drink the water.

7 MR. BENNETT: Okay.

8 MR. SPITZER: The water -- it's basically,
 9 it's not toxic. It's not contaminated.

10 MR. BENNETT: So it's --

11 MR. SPITZER: It's not --

12 MR. BENNETT: -- no other kind of hazardous
 13 waste or anything like that?

14 MR. SPITZER: No. As I said, it has the
 15 beneficial use determination from the DEC, so it
 16 can be used that way. It's used in roads all over
 17 Western New York.

18 Mr. Cramer is a bit exaggerating his
 19 viewpoint is a polite way of saying it.

20 MR. BENNETT: It was just something I saw in
 21 there that struck me as, you know, industrial
 22 waste. Like I said, I have a water well.
 23 Everybody in here does. It's big if it's going to

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1 affect that, so --

2 MR. SPITZER: It's a perfectly legitimate
 3 question. But the company made awfully sure that
 4 it was approved and not a problem long before they
 5 used it.

6 And what was interesting, Mr. Cramer happens
 7 to be in the opposition. He is opposed to the
 8 project. He's the only one of the Board who is.

9 The town engineers had asked these questions
 10 that Mr. Cramer raised in the paper four months
 11 ago, long before they ever allowed it.

12 It was approved by the Town. And it was,
 13 you know, the Town engineers had made sure the DEC
 14 had said it was safe.

15 MR. BENNETT: Okay.

16 MR. SPITZER: And this stuff has been
 17 sitting in Lake Erie for 80 years without causing a
 18 problem.

19 MR. BENNETT: Like I said, I just had to
 20 ask.

21 MR. SPITZER: Noble, to my knowledge, has
 22 never used it. They just use gravel. I won't
 23 speak for them. The only reason I would say I know

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1 about it is because I represented the company in
 2 Sheldon.

3 And if you're interested, I can get you the
 4 letters from the DEC. It's perfectly safe.

5 MS. HOWARD-ROSE: I hauled a lot of it. I
 6 hope it's not toxic.

7 MR. BENNETT: Maybe that's why you are the
 8 way you are.

9 MS. HOWARD-ROSE: It could be.

10 I just wanted to address the aesthetics.
 11 I'm known as not wanting to change anything. Ever.
 12 I don't want that tree taken down. And this --

13 MR. BENNETT: That's why I moved out to the
 14 country.

15 MS. HOWARD-ROSE: I understand that. And
 16 every time there's a change, it's like I grieve
 17 over it. And so when we went up to Bliss, I was
 18 prepared to say, I hate this.

19 And after I got up there, I do have to say
 20 that after watching them and looking at them over
 21 the landscape, I sat there and finally said, you
 22 know, they are nice. They don't detract. And of
 23 course, that's my opinion.

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1 MR. BENNETT: Everybody's entitled to their
 2 own opinion.
 3 MS. HOWARD-ROSE: And everyone is entitled
 4 to their own opinion. But just letting you know
 5 that I was one of the people who thought, oh, don't
 6 do this. And then realized that they really are
 7 not horribly detracting from anything.
 8 MR. BENNETT: Okay.
 9 MS. HOWARD-ROSE: So I do encourage you to
 10 go up and take a look at them.
 11 MR. BENNETT: I have been near them. I
 12 haven't been up to them.
 13 MS. HOWARD-ROSE: It's kind of a fun drive.
 14 And take something to eat because there's no
 15 restaurants.
 16 MR. BENNETT: I think the last thing that's
 17 on my list that I wanted to ask now is, what -- get
 18 an explanation of what are good neighbor
 19 agreements, stuff like that. Who gets them? Why?
 20 MR. SPITZER: That's a private matter
 21 between the company and them. I mean, if Noble
 22 wants to answer that, it's up to them. But
 23 actually it's none of our business as a Town.

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1 MR. MCCARTHY: Kristin and I don't really
 2 deal with the land work. We deal with the
 3 environmental.
 4 MR. BENNETT: Okay. So is that basically
 5 confined to the people that are within that green
 6 map?
 7 MS. K. MCCARTHY: The people who have them
 8 currently are shown on the map.
 9 MR. BENNETT: Okay. So the only people that
 10 are going to be approached are the ones within the
 11 grid.
 12 I have heard nothing from the wind company
 13 at all. And like I said, I'm a hair of over half a
 14 mile from them and I've got neighbors that are
 15 pretty close and they have heard nothing either.
 16 MR. SPITZER: Normally they don't offer them
 17 to anybody unless they need a setback. So if
 18 you're a half mile away, it is not unusual that
 19 they wouldn't offer them.
 20 Again, the Town doesn't regulate the good
 21 neighbor agreements. It's none of our business.
 22 MR. BENNETT: Again, just a question I
 23 wanted to ask. Thank you.

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1 MR. SPITZER: Can I have the next list?
 2 MS. PARK: That is just for people who
 3 signed in.
 4 MR. SPITZER: That's only sign in.
 5 Well, that concludes our list. Who else
 6 would like to make comments?
 7 MS. ERMER: I would.
 8 MR. SPITZER: But stand up so she can hear
 9 you.
 10 MS. ERMER: I will. I had heard that there
 11 is something -- that Noble was being investigated
 12 by the Attorney General's office of New York State.
 13 Do you know anything about that.
 14 MR. SPITZER: I know a lot about that. But
 15 I do not represent Noble. I don't know if you want
 16 to comment on it.
 17 The allegations were that Noble and another
 18 company had allegedly -- and it really wasn't
 19 necessarily against Noble, it was more against Town
 20 Board members that had contracted, but really had
 21 continued to participate in agreements.
 22 And every wind opponent in the State threw
 23 everything they had up to the Attorney General.

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1 They have been investigating.
 2 If you go on to the Attorney General's
 3 website, he announced today an agreement with Noble
 4 and with First Wind, which is the other thing that
 5 they did, was to basically set up an ethics panel.
 6 He said the investigation is still
 7 continuing, but it certainly had nothing to do with
 8 Villenova.
 9 MS. ERMER: No. I know it was for other --
 10 but I was just wondering a little bit about that
 11 because it sent up a little bit of a red flag,
 12 like, they are being investigated by the --
 13 MR. SPITZER: I can tell you that this Board
 14 has spent a considerable amount of time on the
 15 issue that the AG has talked about, which is
 16 conflicts of interest.
 17 And they made very sure that even the hint
 18 of it does not cross the path. And one member has
 19 recused himself because his wife may have a
 20 contract some time in the future, right?
 21 MR. CHASE: I don't know.
 22 MR. SPITZER: She doesn't now, but she owns
 23 a piece of property that is involved.

<p>Page 53</p> <p>1 MR. CHASE: She owns a piece of property 2 that shows on the map. It could be part of that 3 parcel in the green. 4 But I really think that it was just in the 5 drawing up of the map. The line was not on the 6 property line where it belongs. 7 MR. SPITZER: He recused himself from the 8 last vote just so that there is absolutely no 9 question. 10 This Board has gone out of its way, so 11 there's no questions here, I mean -- 12 MS. ERMER: Well, I just heard about that 13 and I was, like, oh, what's that all about? 14 MR. SPITZER: It's a perfectly legitimate 15 question. Again, I don't know if our friends from 16 Noble want to say anything. They probably are not 17 authorized to. You can get on the AG's website 18 because he settled the case with them today. 19 MS. ERMER: Okay. Thank you. 20 MS. HOWARD-ROSE: I only have 1.8 acres. 21 They won't put it on my property. So you don't 22 have to worry about me. 23 MR. SPITZER: Anyone else? I'm sorry. He</p>	<p>Page 55</p> <p>1 MR. MCCARTHY: As far as I'm aware, there's 2 only one to a sub to a site that is nonunion. All 3 the rest have all been union, Electrical, Steel. 4 MR. SPITZER: I know most of the companies 5 that I'm aware of are union shops. 6 MR. NOBLES: Okay. Good. 7 MR. SPITZER: Yes, ma'am. 8 MS. N. MCCARTHY: My name is Nadine McCarthy 9 and I live in Forestville, but I also own property 10 on Roundtop. 11 So I agree with this gentleman with the lack 12 of notification to landowners. I also agree with 13 his concerns for the visual impact because I too 14 brought -- bought the property because I loved the 15 view and just the nature up there. 16 And I rode to Bliss. And I didn't like how 17 it looked and it was very upsetting to me. And 18 some of my concerns too are more directed towards 19 Noble which I don't have to get into tonight, but 20 when I did address some of my concerns and ask 21 questions, well, the response was always, go to 22 Bliss or Arcade. 23 I'm thinking, well, take me there or</p>
<p>Page 54</p> <p>1 is quicker than you. 2 MR. NOBLES: Norris Nobles and I live in 3 South Dayton, New York. And I was wondering, I 4 have always been a union man. Are you using jobs? 5 Using the union or union labor? 6 MR. SPITZER: To my knowledge, most of the 7 was Steel Workers Union. It has always been the 8 Iron Workers. 9 THE WITNESS: It's not an iron workers or 10 carpenters that build the form and all that stuff. 11 MR. SPITZER: I don't know -- 12 THE WITNESS: They don't usually have half 13 union job. It's either all union or partial -- 14 MR. SPITZER: I know there has been no 15 protest at the wind farms in Wyoming County, so I'm 16 assuming they are all union jobs. 17 MR. NOBLES: There are a lot of people and 18 taxpayers in this area which have made their living 19 through the different unions. 20 MR. CROWELL: Operators all have been 21 working down there. 22 MR. NOBLES: They have? 23 MR. CROWELL: Yeah.</p>	<p>Page 56</p> <p>1 something. You know, don't just throw that out. 2 That's not the way -- you don't deal with people 3 that way, if you're on the up. 4 I don't know. For a business, I thought 5 that was kind of a poor approach or response. If 6 the community benefits, that's a great thing. 7 But yet, again, my concern was that this 8 wasn't my intention for the property to look at 9 what I'm going to have to be looking at and dealing 10 with. 11 So it's a disappointment to me that way and 12 I hope down the line if I have to sell the 13 property, I can sell it and benefit from the sale, 14 but right now I am very disappointed. 15 And I was hoping to retire up there and 16 enjoy it. But at this point in time I don't think 17 that was going to happen. I don't have anything 18 else to say, but I just wanted to agree with him. 19 MR. SPITZER: Do you want to ask us any of 20 the questions that you asked them that you don't 21 feel were answered or -- 22 MS. N. MCCARTHY: It was just the -- about 23 the noise and people don't like what they look</p>

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1 like. The generators. It just -- I had a lot of
 2 questions and what the revenue was going to be from
 3 them.
 4 And actually the first fellow that I talked
 5 to, I got different answers from him than the
 6 second person that came around. And the second
 7 person when I told him, what about -- well, you're
 8 way lower than the first guy.
 9 He shook his head and said, well, we don't
 10 have those kind of turbines up there. Those are
 11 bigger ones that are going to generate that kind of
 12 revenue.
 13 So it was like, I'm thinking, you guys are
 14 not on the up and up. You seem like you are kind
 15 of scamish or something and you are already out of
 16 the Fredonia office, so from --
 17 And then when we make phone calls, you don't
 18 get return calls. And you hear the beep on the
 19 answering machine that they must have several.
 20 And then the response is, when you do get a
 21 call back, well, I'm busy going around on other
 22 projects. I don't like as a business how they deal
 23 with people and the landowners.

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1 And, again, there's specific landowners that
 2 have to deal with this and I think they should be
 3 compensated somehow. And whoever said the fair --
 4 the good neighbor agreement or something just
 5 because you're being inconvenienced.
 6 And not to be compensated, I think is
 7 wrong. And the people who are pushing for it,
 8 don't see that. Their properties are not affected
 9 by it other than the fact they might get a tax
 10 break or something, but they are not dealing with
 11 these things right in their back door.
 12 MR. SPITZER: You want to comment?
 13 MR. BARNES: I'm Robert Barnes. I live on
 14 Pope Hill Road. I would say for probably 15 years
 15 we love our farm. We love the area. And I can
 16 tell some of the people that we're -- we're -- I
 17 researched it for about a year because our property
 18 is included, so -- and it sounds like the Town will
 19 be making a little bit more than us, which is fine,
 20 you know, because they disburse it around.
 21 And another reason I was glad about this was
 22 because, not apart from money, but aesthetically a
 23 lot people don't think about this, but I lived in

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1 West Valley for 14 years and all the farms there
 2 were cut up into little parcels.
 3 And everyone has a dog. Everyone has got
 4 noisy cars. And this will actually really benefit
 5 all the farmers because you'll have a little bit
 6 extra income and it is hard to make -- I'm trying
 7 to make money as a farmer. And all my neighbors
 8 are trying to make money as farmers.
 9 We won't have to sell off five acres to pay
 10 the taxes. Taxes in New York State, for the same
 11 sized farm, they are \$850 for 150 acre farm for the
 12 school and the Town taxes.
 13 And out here, I won't have to tell you that
 14 it will probably be a lot more than that. Ten
 15 times that. All the farms that I've talked to, not
 16 just including this one, but they are all very
 17 happy for it.
 18 Even people who have lived in the country a
 19 long time, I know that people -- it sounds like the
 20 people that lived in the city that came out here
 21 are the ones that are opposed.
 22 But the people that, you know, were born and
 23 bred here, you know, just keep that in mind. It's

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1 actually going to help keep the landscape farming.
 2 And they are not very close together.
 3 I've been to Bliss. I have a hard -- you
 4 can usually only see -- just a few places you can
 5 see more than ten at that time.
 6 In my opinion, I mean, everyone lives on a
 7 different road or -- so --
 8 MR. SPITZER: Anyone else have a comment?
 9 MR. EATON: I'm William Eaton. I am from
 10 Cattaraugus. I own property up here on the
 11 Villenova Road and Roundtop Road, 120 acres.
 12 I am wondering if they acquired the transfer
 13 line property that goes out to the transfer
 14 station?
 15 MR. MCCARTHY: I believe most of the
 16 transmission line has been acquired. We haven't --
 17 we've got easements to get from the Project to a
 18 substation, the connection.
 19 MR. EATON: Has it been sited for the
 20 roadways that go to the turbines? Is there a map
 21 that's been produced for roadways that go to the
 22 turbines?
 23 MR. MCCARTHY: Yes.

<p>Page 61</p> <p>1 MR. EATON: Where would I get that? 2 MS. K. MCCARTHY: Town Hall. Noble's 3 website. 4 MR. BENNETT: It is in volume three. That 5 shows the intersection improvement and stuff like 6 that, but the volume one will show the roadways for 7 the turbines. 8 MR. EATON: I would tend to agree with you 9 on your notifications. I don't know how it 10 occurred. I don't live in the Town of Villenova 11 and I don't buy the Observer paper, which I came by 12 today. But as a landowner and part of the Project, 13 I don't know how you would get information short 14 of -- 15 MS. PARK: We have -- we have the Observer 16 is our official paper and we have public notices 17 just like we're required to do and we put it in in 18 plenty of time. 19 MR. SPITZER: Just like any public notices. 20 UNIDENTIFIED FEMALE SPEAKER: Where? 21 MS. PARK: Observer. 22 UNIDENTIFIED FEMALE SPEAKER: What about if 23 you don't buy the Observer, you can't --</p>	<p>Page 63</p> <p>1 community, if you live in the community, a project 2 like this that has been brewing for three to five 3 years, everybody is going to have heard of it. 4 If you don't live in the community or just 5 have property, it may be a surprise. But on the 6 other hand, you're here. And I'm not sure what 7 other notice there would be. The notice that we've 8 given is what State law requires. 9 MR. EATON: I understand that. But it would 10 have been interesting to have something put -- the 11 taxes got to me just fine. The notice to where to 12 find the notice to the information about the 13 meetings or any information to have here would have 14 been appreciated. 15 MR. BENNETT: I think something of this 16 magnitude really, I mean, a town-wide mailing I 17 think is what should have been done. 18 Yes, it's a cost. But like I said, 19 everybody has an opinion, but they have to be 20 informed before they can make that opinion. 21 And like I said, I don't feel that the 22 notification, and even though it's legal, I don't 23 feel it's sufficient.</p>
<p>Page 62</p> <p>1 MR. SPITZER: First you have to identify 2 yourself. 3 UNIDENTIFIED FEMALE SPEAKER: No. I will 4 shut up now. 5 MR. SPITZER: You don't have to shut up. 6 She just needs to be able to identify you for the 7 record. We want to know what you have to say. 8 UNIDENTIFIED FEMALE SPEAKER: No. That's 9 fine. I just want to listen. 10 MR. SPITZER: You know, the problem, first 11 of all, for a public notice that doesn't work, it 12 seems to have worked pretty well in the case of the 13 three people that were concerned about it. 14 New York State Law lays out how you do 15 public notice. It says that you put an official 16 notice in the newspaper of record of the town and 17 that's how you get notice out of public hearings. 18 That's the way it is on any every land use 19 matter and that's how it's done here. And the 20 notice is intended to be sufficient to let people 21 know of something that might be of interest to 22 them. 23 So it's -- it's -- I recognize in a small</p>	<p>Page 64</p> <p>1 Like I said, this is a massive project. 2 It's going to affect everybody. 3 MS. PARK: Let me address that. We have our 4 monthly meetings that are at 7:30 the second 5 Wednesday of the month. If you'd like to come and 6 sit in, you're more than welcome and then you're 7 going to find out what is going on. 8 MR. BENNETT: I do. I go to the Town of 9 Hanover meetings. 10 MS. PARK: I know you do. 11 MR. CHASE: I'm Don Chase and I'm a 12 councilman from Villenova here. 13 Do we have anyone here from the meeting here 14 tonight? 15 MS. PARK: That's our trouble. 16 MR. CHASE: There's your answer. 17 UNIDENTIFIED FEMALE SPEAKER: Because we 18 don't watch TV. 19 UNIDENTIFIED MALE SPEAKER: We don't have a 20 newspaper reporter here either. 21 MR. SPITZER: We have a newspaper reporter 22 that doesn't show up to the meetings to report on 23 it. We have to shoot somebody to get TV here.</p>

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1 Other questions? Comments?
 2 MS. ERMER: I just want to make one more
 3 comment in response to the fellow -- I don't know
 4 if he's still there.
 5 MR. SPITZER: He is still there.
 6 MS. ERMER: Diana Ermer again. I may
 7 have -- we moved here a little over nine years ago,
 8 but I'm not a city person. I just want to clarify
 9 that.
 10 I'm not a native from Villenova, but I've
 11 always lived in the country and grew up on the farm
 12 and I don't want to sound, you know, like a nimby,
 13 not in my backyard, but that's -- I just wanted to
 14 let people know that.
 15 I mean, we moved out -- we loved the view.
 16 We loved the house. We fell in love with it
 17 sitting on the front porch the day we came to look
 18 at it.
 19 I've always lived in the country, but I
 20 lived in the flatlands. And I loved that when I
 21 came out here, I was like, oh, this is so
 22 beautiful. I can see the lake, I can, you know, it
 23 was just like heaven.

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1 But anyway -- just -- I'm not a city person.
 2 Not that there's anything wrong with city people
 3 moving out, but just to kind of let them know that.
 4 MR. SPITZER: Remember folks, the Board
 5 wants your opinion. You don't have to justify your
 6 opinions or defend yourself in any way.
 7 The Board wants your comments and your
 8 opinions, but don't feel like you have to defend
 9 yourself in any way.
 10 Anyone else or we can close the hearing, if
 11 there's no one else.
 12 MS. EASTERLY: Why Roundtop?
 13 MR. SPITZER: I am sorry, what?
 14 MS. EASTERLY: Christine Easterly. I live
 15 over on Dybka Road.
 16 Why Roundtop? Why out of all the areas --
 17 why a north hill versus south hill?
 18 MR. SPITZER: I would suspect it has to do
 19 with where the wind resource is.
 20 MS. EASTERLY: I get just as much wind up
 21 there as I am sure they get up on that hill.
 22 MR. SPITZER: You would be surprised. There
 23 is a number of reasons that go into siting.

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1 One is the availability of leased land, the
 2 availability of large parcels of land. If you
 3 have -- one of the problems, for example, they are
 4 having in Arkwright, their project, which is a
 5 different company from ours is, there's a lot of
 6 land that's broken up into small parcels.
 7 So you have to have available land. You
 8 have to have available wind resources. And a lot
 9 of people will say, gee, it's always windy here.
 10 You have to have wind sustainable of a
 11 certain speed and usually 7 1/2 meters per second
 12 over a period of time to make the project
 13 worthwhile.
 14 You have to have it not too close to
 15 other wind turbines so that you don't get into
 16 turbulence or other issues. You have to not be in
 17 a protected area in terms of streams or other
 18 environmental type of things.
 19 There's a whole set of criteria that -- you
 20 start with these AWS true wind maps that a company
 21 called AWS in Albany prepares and everybody sort of
 22 uses those like the gold prospector treasure maps.
 23 And then you have to get a lease there and

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1 you have to have access. You have may have a great
 2 hill, but if the people who have access to that
 3 hill in front of that hill say, we're not going to
 4 give you a lease, go away, you can't get to that
 5 hill, then there's no project on that hill.
 6 I'm not speaking for them, but these are all
 7 the things that go into siting. And I don't know
 8 in your case where the company tried to lease land
 9 in your area or --
 10 MS. EASTERLY: Nobody did because I never
 11 heard anything about this.
 12 MR. SPITZER: I suspect that there is not an
 13 adequate wind resource there. If they can get into
 14 the rest of the system, they should be.
 15 UNIDENTIFIED MALE SPEAKER: Maybe what I can
 16 say is, they are worried because their hill is
 17 being ignored, but one hill at a time.
 18 I've heard rumors of a possible project
 19 going on on the other side of the valley so, but
 20 just because Pope Hill has it or some of Roundtop
 21 has it, doesn't mean they won't someday in the
 22 future want to put windmills on another hill.
 23 MR. SPITZER: I was talking to another

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1 project developer in the middle of the State
 2 yesterday and their project is 79 megawatts.
 3 And they specifically left out turbines
 4 because if you go past 80 megawatts, the Public
 5 Service Commission has to approve the project.
 6 If you're under 80 megawatts, the Public
 7 Service Commission has to stay out of it. And
 8 frankly, to stay away from another State agency was
 9 worth it to them.
 10 So there's all sorts of factors that could
 11 go into where they choose to put a project. I
 12 think the Board member said as -- or this gentleman
 13 said, the Board is focused on the fact that the
 14 impacts are community-wide.
 15 And that's what tonight is about, is talking
 16 about the impacts and what those impacts are and
 17 whether the Project is worthwhile given those
 18 impacts.
 19 Would you like to say something?
 20 MS. WISE: I'm Barbara Wise. I live right
 21 here in Hamlet.
 22 Maybe if you stop and think about it, if
 23 Cherry Creek does something like this, you might be

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1 included in that. Cherry Creek is right on the
 2 border.
 3 MR. SPITZER: I know where Cherry Creek is.
 4 MS. WISE: I mean the road they live on
 5 is --
 6 MR. SPITZER: I've gotten lost on all the
 7 roads around here.
 8 MS. EASTERLY: And we have a South Dayton
 9 address -- South Dayton phone number and a Cherry
 10 Creek address and live in the Town of Villanova.
 11 It's just that Townline Road is a town line
 12 and we are included in some things because of where
 13 we live and we are not because of where we live.
 14 We're saying --
 15 UNIDENTIFIED MALE SPEAKER: I heard rumors
 16 of projects in Cherry Creek and even the Town of
 17 Charlotte.
 18 MR. SPITZER: Here's what you can do.
 19 There's a project planned for the Town of
 20 Charlotte, but here's how you can tell what's
 21 really out there.
 22 If you get on a website of an organization
 23 called the New York ISO. The New York Integrated

Page 71

1 System Operator, NYISO.
 2 They -- that basically is the grid. When
 3 you talk about the electric grid, the people who
 4 own it are the various utilities and it's called
 5 the New York ISO.
 6 And in order to have a project, you have to
 7 get a connection to the grid because you have to be
 8 able to sell your electricity.
 9 So anybody who's got even an inkling of a
 10 project, who wants to get in with the queue -- get
 11 in with the line, because basically if there is
 12 only so much room on the grid, you want to be in
 13 front of the guy who might otherwise take it.
 14 There is a project, as I recall, for
 15 Charlotte. I think I remember somebody told me
 16 that.
 17 MS. PARK: Yes. First Wind.
 18 MR. SPITZER: First Wind, which is the
 19 people who built Steel Winds and built Cohocton.
 20 So -- but if you get on that website and you
 21 look and there's hundreds of projects of wind, gas,
 22 coal, every electric project in the State of New
 23 York is on there.

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1 But that -- if you're on that, that will
 2 tell you where every single project is real or
 3 imaginary, but, yeah, I heard Charlotte was looking
 4 at one also.
 5 You know, I have -- there's one project
 6 going on in Allegany County, in the northern part
 7 of the County that's Noble is doing. And I get
 8 calls all the time from clients and municipalities
 9 from the southern part of the County where the
 10 hills are higher and steeper.
 11 And they don't understand when I tell them
 12 that the reason they don't have any projects going
 13 on down there is because there's no winds. It's
 14 not -- there is just no economically viable wind
 15 near enough to transmission lines.
 16 And it doesn't make sense to them because
 17 they think that that part of the County is windier.
 18 There's a lot of factors that go into that.
 19 Sometimes you just have the easiest thing in the
 20 world, Steel Winds on Lake Eric. Can't get better
 21 winds.
 22 Bethlehem Steel steel abandoned four totally
 23 new substations in place with some of the largest

Page 73

1 power lines in the State. Just dropped, you know,
 2 just a great place to draw up the project. And
 3 nobody lives anywhere near there, so nobody has any
 4 flicker problems or anything else.
 5 But it's a very small project, but it's a
 6 perfect example of siting. I don't know if you
 7 want to say anything about siting, but that's my
 8 understanding of siting.
 9 MR. MCCARTHY: I think you pretty much
 10 covered it.
 11 MR. SPITZER: Anyone else have any other
 12 comments? Again, remembering that you can send in
 13 written comments afterward. You certainly are not
 14 quieted.
 15 MR. BENNETT: I just have one additional
 16 comment or question. Dana Bennett. Is there going
 17 to be a point where Chautauqua County is going to
 18 say that's enough wind turbine projects and stuff
 19 like that?
 20 I mean, because a big basis on Chautauqua
 21 County is tourism. You know, how is this going to
 22 affect tourism? And is there going to be a point
 23 where Chautauqua County is going to say we have

Page 74

1 enough?
 2 MR. SPITZER: The way New York State Law
 3 currently works is zoning is handled solely at the
 4 local level and the County does not have veto
 5 power.
 6 Okay. At this point we'll close the
 7 hearing, if there is no further comments.
 8 As I said, we will accept the written
 9 comments till the end of November. We'll extend
 10 the time. Any kind of comments at all.
 11 If you go to the wind farm and want to
 12 extend to your comments, you want make sure they
 13 are in writing. Send them to me or to -- if you
 14 didn't get my address, send them to Town Hall and
 15 we'll get them. Other than that, motion to close
 16 the public hearing.
 17 MS. PARK: I make the motion to close the
 18 public hearing. Do I have a second?
 19 MR. CONKLIN: I second.
 20 MR. CHASE: I second.
 21 MS. PARK: All in favor?
 22 THE BOARD: Aye.
 23 (Deposition concluded at 8:14 p.m.)

Page 75

1 STATE OF NEW YORK)
 2 ss:
 3 COUNTY OF NIAGARA)
 4
 5 I DO HEREBY CERTIFY as a Notary Public in and
 6 for the State of New York, that I did attend and
 7 report the foregoing hearing, which was taken down
 8 by me in a verbatim manner by means of machine
 9 shorthand. Further, that the hearing was then
 10 reduced to writing in my presence and under my
 11 direction.
 12
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 15 -----
 16 BONNIE S. WEBER,
 17 Notary Public
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T-2 Public Participation, 2016 SDEIS

Resolution of the Town Board of Villenova (Lead Agency)

The special meeting of the Villenova Town Board, held Jan. 27, 2016 at 1094 Butcher Road, South Dayton NY was called to order by Supervisor Ardillo at 7:00PM after the Pledge to the Flag.

Present: **Richard Ardillo** - **Supervisor**
 Westley Tessey - **Councilmember**
 Angelo Graziano - **Councilmember**
 Keith Butcher - **Councilmember**

Absent: **Sarah LoManto** - **Councilmember**

Others Present:

Donald Michalak - **Town Attorney**
 Dan Spitzer - **Outside Attorney – Ball Hill Wind Project**
 See Attached sign in sheet for complete listing

Recording Secretary:

Julie Goodway - **Town Clerk**

Richard Ardillo, Supervisor turned the meeting over to Dan Spitzer, attorney for the wind project. Mr. Spitzer explained the process and the reason for conducting this special meeting. Basically the applicant (RES) is submitting the document – Supplemental Environmental Draft Impact Study to the board for review. The meeting consisted of representatives from RES addressing the key parts of the SDEIS, and each were given the opportunity to respond to questions from the board as well as the public in attendance.

*****A MOTION** was made by Westley Tessey and seconded by Keith Butcher whereby a **RESOLUTION ACCEPTING THE SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT STATEMENT UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT FOR THE PROPOSED BALL HILL WIND ENERGY PROJECT, THE CREATION OF A WIND OVERLAY ZONING DISTRICT AND THE REQUESTED AMENDMENT TO THE TOWN LAW**

WHEREAS, on or about October 2008, the Town of Villenova Town Board (“Town Board”), acting as Lead Agency pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 NYCRR Part 617] (“SEQRA”) accepted a Draft Environmental Impact Statement (“DEIS”) for the proposed wind energy project calling for the development of wind energy facilities, including wind energy conversion systems, access roads and utility infrastructure (“Project”) in the towns of Villenova and Hanover;

WHEREAS, development of the Project continued with the submission of several revised layouts utilizing different turbine technology all within the same location or Project Area;

WHEREAS, as a result of the continued development, the Town Board required the preparation of an Supplemental DEIS to describe the revised Project, to identify impacts that were different than those identified in the DEIS and detail the proposed mitigation for such impacts;

WHEREAS, on or about October 29, 2015, in connection with the revision of the Project layout and decision to again utilize different turbine technology, the Town Board adopted a resolution confirming the continued development of the Project, recognizing Ball Hill as Applicant with all the rights and responsibilities of prior developers;

WHEREAS, the Town Board further confirmed its Positive Declaration of Significance, determined that the scope of the Supplemental DEIS should be the same as previously ordered with the addition of analyses of cumulative impact and the requested increase in maximum height, and ordered the preparation of a Supplemental DEIS for the Project;

WHEREAS, the Town Board’s independent engineering and legal consultants reviewed the Supplemental DEIS prepared by the Project Sponsor, Ball Hill Wind Energy, LLC, and advised the Town Board as to its completeness and suitability for public comment and review; and

WHEREAS, the draft Supplemental DEIS was provided to the Town Board members for their review given their unique knowledge of the Town and its character, the Project and the Project Area;

NOW, THEREFORE, be it hereby resolved by the Town Board of the Town of Villenova as follows:

1. That the Town’s engineering consultant’s reviewed the Supplemental DEIS and recommended the Town Board accept it as complete for purposes of public review and comment;
2. That the Town Board received and reviewed the Supplemental SDEIS and consulted with its consultants on the Project and the Supplemental DEIS;
3. That, based on the advice of its consultants and the Board’s own review, the Supplemental SDEIS provides the information required by 6 NYCRR 617.9, and is hereby determined to be adequate and is accepted as complete for the purpose of commencing public review and comment;
4. That the Town Board shall accept written comments on the Supplemental DEIS for a period of 45 days up to and including March 14, 2016 at 5 p.m. All written comments (including comments delivered by email) shall be submitted to the Town of Villenova Town Clerk, 1094 Butcher Road, South Dayton, New York 14138 (villenova@hughes.net) ;
5. That a public hearing (“Public Hearing”) on the Supplemental DEIS, the proposed local laws creating a Wind Overlay District and changing the maximum height requirement and required Project waivers, permits and approvals shall be held on March 2, 2016 at 7 p.m. pursuant to SEQRA and the Town of Villenova Wind Energy Facilities Law at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, New York 14138 or other similar facility as determined by the Town Supervisor;
6. That, pursuant to 6 NYCRR 617.12, Ball Hill is directed to prepare, file and publish, as appropriate:

- a. all required SEQRA notices of completeness including a notice in the Environmental Notice Bulletin,
 - b. notice of the Public Hearing,
 - c. to display the Supplemental DEIS on the Project website at www.ballhillwind.com in compliance with SEQRA, and
 - d. otherwise to take all steps necessary to comply with applicable laws, statutes and regulations.
7. That the Town shall refer the Project, the requested waivers and the proposed local law to the Chautauqua County Planning Board pursuant to General Municipal Law Section 239-m as necessary and directs the Town’s Special Counsel to submit the necessary documentation for such referral.
 8. That Ball Hill shall distribute the Supplemental DEIS to all interested and involved agencies pursuant to SEQRA (Part 617.12) and place a copy of the Supplemental DEIS on file at the Town of Villenova Town Hall located at 1094 Butcher Road, South Dayton, New York and the Town of Hanover Town Hall located at 68 Hanover Road, Silver Creek, New York 14136;
 9. That Ball Hill shall prepare and file the necessary disclosure pursuant to GML Section 809 regarding the interest, if any, of any town board members in the Project; and
 10. That this resolution shall take effect immediately.

PASSED AND ADOPTED by the Town Board of the Town of Villenova on the 27th day of January, 2016

ROLL CALL	Yea	Nay	Abstain	Absent
Supervisor Ardillo	X			
Councilmember Graziano	X			
Councilmember Tessey	X			
Councilmember Butcher	X			
Councilmember LoManto				X

***A MOTION was made by Westley Tessey and seconded by Keith Butcher to adjourn meeting at 7:55PM.

Adopted:
Supervisor Ardillo
Councilmember Tessey
Councilmember Graziano
Councilmember Butcher

Respectfully Submitted:
Julie Goodway
Villenova Town Clerk

Special Meeting

Villanova Town Board – Meeting Sign In Sheets

Name	Address
Mark Sweeney	Delmar NY
Justin McCarthy	Alden, NY
Spike Ian Eych	Forestville, NY
Mike Morgante	Clarence, NY
MARK LYONS	Old Saybrook, CT
Dan Boyd	Old Saybrook CT
Jim Pippin	Rochester, NY
Mark Ly	Forestville
Henry Park	Forestville
Julia Grayson	Forestville
BENNE BOTTITA	SOUTH DEYTON
Shaun Bottita	South Dayton
Judy Phillips	Forestville
Scott Campbell	Forestville
Howard Crowel	Forestville

Date: 1-27-16Ball Hill Windpark

**Notice of Public Hearing on March 2, 2016 –
Letter mailed to property owners**



ecology and environment, inc.

Global Environmental Specialists

BUFFALO CORPORATE CENTER

368 Pleasant View Drive, Lancaster, New York 14086
Tel: (716) 684-8060, Fax: (716) 684-0844

[Addressee]

Re: Ball Hill Wind Project – Notice of Public Hearing

Dear Sir/Madam:

PLEASE TAKE NOTICE that the Town of Villenova Town Board, as (New York) State Environmental Quality Review Act (SEQRA) Lead Agency, will hold a public hearing on the *Supplemental Draft Environmental Impact Statement (SDEIS)* for the proposed Ball Hill Wind Project; the proposed local laws creating a Wind Overlay District; and changing the maximum height requirement and required Project waivers, permits, and approvals; to hear all comments for or against the Project pursuant to SEQRA and the Town of Villenova Wind Energy Facilities Law on March 2, 2016, at 7 p.m. at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, New York 14138.

Written comments on the SDEIS shall be accepted for a period of 45 days up to and including March 14, 2016, at 5 p.m. All written comments shall be submitted to the Town of Villenova Town Clerk, 1094 Butcher Road, South Dayton, New York 14138 (including comments delivered by email to Villenova@hughes.net).

Notice of Public Hearing on March 2, 2016 - Published in the *Dunkirk Observer*

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

LEGAL NOTICE
PLEASE TAKE NOTICE that a public hearing on the Supplemental DEIS for the proposed Ball Hill Wind Project, the proposed local laws creating a Wind Overlay District and changing the maximum height requirement and required Project waivers, permits and approvals to hear all comments for or against the Project shall be held on **March 2, 2016 at 7 p.m.** pursuant to SEQRA and the Town of Villenova Wind Energy Facilities Law at the Hamlet United Methodist Church, 1119 Route 83, South Dayton, New York 14138. Written comments on the Supplemental DEIS shall be accepted for a period of 45 days, up to and including **March 14, 2016 at 5 p.m.** All written comments shall be submitted to the Town of Villenova Town Clerk, 1094 Slicer Road, South Dayton, New York 14138 (including comments delivered by email to Villenova@chc.org).
O-160199 Feb 21, 2016 -Adv.

Sheila McWillson , being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

Feb 21, 2016

Signed: Sheila McWillson
Sheila McWillson

Signed before me this 22nd day of February 2016

Rosalee J. Owen
Notary Public

ROSALEE J. OWEN
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires Nov 30, 2017

Written Comments Pertaining to the 2016 SDEIS



**Department of
Public Service**

Public Service Commission
Audrey Zibelman
Chair

Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman
Commissioners

Kimberly A. Harriman
General Counsel
Kathleen H. Burgess
Secretary

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

March 14, 2016

Via Email: Villenova@hughes.net

Villenova Town Board
c/o Villenova Town Clerk
1094 Butcher Road
South Dayton, New York 14138

Re: SEQRA SDEIS Comments – Ball Hill Wind Project

To the Villenova Town Clerk and Town Board:

The Department of Public Service (DPS) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the Ball Hill Wind Project to develop a wind energy project in the towns of Villenova and Hanover in Chautauqua County.

DPS includes the Staff of the New York State Public Service Commission (PSC) and has been an involved agency in the State Environmental Quality Review Act (SEQRA) review since the original filing of the project in 2008. Pursuant to Public Service Law (PSL) §68(1), Ball Hill must file a petition for a Certificate of Public Convenience and Necessity (CPCN) if the project will operate above 80 megawatts (MW). The §68(1) review will include consideration by the PSC of the capability of the developer to function as an electric corporation and to provide safe and reliable service.

Also, as noted in the SDEIS, the increase in design capacity from a 115 kV to a 230 kV transmission line subjects the transmission facility to the jurisdiction of the PSC under Article VII of the PSL. As such, early consultation with Staff regarding the transmission facility is encouraged.

Attached are comments regarding the Project SDEIS. Please feel free to contact me at (518) 486-2853 with any questions or comments regarding Staff's review.

Respectfully,

Andrew C. Davis
Utility Supervisor

cc: Renewable Energy Systems Ltd.
Robert Gibson, Ecology & Environment, Inc. rgibson@ene.com

**Comments of the New York State Department of Public Service
on Ball Hill Wind Project SDEIS**

1. The SDEIS describes one significant change in the project transmission line: the prior project included a 6-mile long transmission line rated at 115 kV, whereas the SDEIS describes a 6-mile long 230 kV transmission facility (SDEIS, pg. 1-8). As indicated in the SDEIS, this increase in design capacity makes the transmission facility subject to the jurisdiction of the New York State Public Service Commission (NYSPSC or PSC) under Article VII of the Public Service Law (PSL) at §120, *et. seq.* Article VII supplants other procedural permits and approvals otherwise applicable to the major transmission facility including the 230 kV transmission line, and associated substation and switchyard components. While the identification of potential environmental impacts associated with the transmission facility as a part of the overall review of the "Ball Hill Wind Project"¹ including cumulative impacts is appropriate in the EIS record, the EIS should acknowledge that Article VII reviews are classified as "Type II actions" in the SEQRA regulations, and thus are not otherwise subject to SEQRA procedural provisions (6 NYCRR 617.5(c)(35)). SDEIS-0001-1

2. PSL Article VII essentially supplants other state and local permitting requirements and approvals of a procedural nature (PSL §130) for major transmission facilities, so certain statements in the SDEIS should be modified in the FEIS. For example, Section 2.4.3, under "Minimization of Impacts during Construction and Operation of the Project" the "NYSPSC" should be added to the statements "Ball Hill will follow all NYSDEC and USACE permit requirements regarding restoration of wetland impacts" and "An invasive Species Management Plan (ISMP) will be fully developed in consultation with NYSDEC and USACE" (SDEIS, pg. 2.4-15). Likewise, the New York State Department of Public Service staff (Staff) should be referenced at discussion of the Mitigation for Permanent [Wetland] Impacts (SDEIS pp. 2.4-16 and -17). SDEIS-0001-2

3. Likewise, discussion of the transmission facility Article VII permitting for protected stream crossings should reference NYSPSC rather than NYSDEC permitting (SDEIS pp. 2.5-10; 2.5-14 and -15; and 3-1). SDEIS-0001-3

4. At page 1-17, the SDEIS states that SDEIS-0001-4

"underground collection lines would be installed via trenching or using a directional bore at stream locations. Streams that are not normally dry at the time of crossing would be temporarily dammed, and water would be pumped around the construction area to allow collection lines to be installed in dry conditions. The equipment that would be used to install the collection lines cuts a trench, places the cable, and backfills the trench in a single pass, thereby reducing the duration of stream disturbance. If directional boring machine is used, a horizontal boring machine will install a bore sufficiently below the bed, and cables will be pulled back in the bore."

¹ The record indicates that the Ball Hill Wind Project was formerly known as "Ball Hill Wind Farm" and "Ball Hill Windpark".

DPS recommends that trenching machines not cross significantly classed streams (including classes C(T) and above and any intermediate waterbodies greater than 10 feet). Instead, during dam and pump around or similar installation methods, proper erosion control devices should be placed along the stream bank; the trench can then be excavated from either side of the control measures.

5. The SDEIS indicates on page 1-12 that there will be construction of an approximately 6 mile long overhead 230 kV transmission line which will transfer the energy produced by the Project from the new substation to the new switchyard. The switchyard would be constructed in the Town of Hanover. This switchyard would provide a connection to an existing 230-kV National Grid overhead transmission line.

It would appear that there would be a potential for reduction in environmental impact (including reduction in forest clearing, land use, visual exposure, etc.) if the new collection substation were to be constructed north of its currently proposed location. By placing the substation in a more northerly location, the length of the overhead transmission facility and ROW area would be reduced. The FEIS should explain whether any alternative locations for the collection substation were explored, whether any reasonable alternatives were identified, and provide a comparison of potential impacts.

6. Page 1-15 of the SDEIS notes that "this area (staging area) could be used as short term staging for verification of match marking, a quality receipt inspection, washing, and any necessary rigging adjustments prior to site delivery. Please provide an explanation of the term "match-marking."

7. Page 3-5 of the SDEIS notes that

"if overhead collection lines were to be required in future site design, it would reduce wetland impacts or be placed due to topography constraints. The transformers are interconnected through a collection system consisting of both underground and above ground power lines on wooden poles that will connect all of the turbines together electrically...The majority of the collection system, as currently designed, will be installed underground...As currently planned, the collection system is entirely underground in compliance with the Town's local law requirements. Accordingly, overhead collection lines will only be used if necessary in a few select areas to avoid drainage and wetland features or other areas where burial of collection lines is problematic from an engineering standpoint as contemplated by the towns."

If available, provide a map with the potential collection line locations that may be installed overhead; an accompanying explanation would also be beneficial. Also, if available, provide the required clearing ROW width for installation of overhead collection lines.

8. Without repeating prior comments on the DEIS regarding potential impacts of the proposed transmission line, DPS remains concerned that the proposed location and design of the 230 kV line involves clearing and access road development on

SDEIS-0001-5

SDEIS-0001-6

SDEIS-0001-7

SDEIS-0001-8

steep slopes and construction of transmission structures close to protected streams. The SDEIS does not provide any updated Transmission Line Plan and Profile drawings reflecting the upgrade of design from 115 kV to 230 kV (DEIS Drawings BH-T-301 Sheets 1 through 6 were for a 115 kV facility). Final facility design and location will be subject to the NYS PSC review pursuant to PSL Article VII.

SDEIS-0001-8
Continued

NOISE

9. Regarding discussion of facility Noise impacts, DPS previously identified operational noise of major electric substation equipment as having a potential significant impact. In comments on the DEIS submitted in November, 2008, DPS identified the need to assess tonal noise from transmission grade transformers. The SDEIS does not provide analysis of potential for tones from the substation. The substation analysis is based on "one MVA, 120 kV utility scale transformer" rather than a 230 kV transformer as now proposed for the Ball Hill Project (SDEIS, Appendix O, page 6-3, footnote 1 to table 6-7). Furthermore, DPS considers that the sound power level estimates for the transformer need supporting information either by supplementing their derivation or by documenting with sound tests. Given the proximity of the 50 dBA noise contour-line the likelihood of occurrence of a prominent tone should be analyzed as well as the potential to exceed local law limits or cause annoyance or complaints at closer noise sensitive receptors. Please see attached Appendix A for details.

SDEIS-0001-9

SDEIS-0001-10

VISUAL

10. The depiction of an existing substation at the SVRA may not be fully representative of the scale of facilities needed for the proposed 230 kV transmission line (SDEIS, Appendix M, Section 3.8, photograph "Substation Example", pg. 55). The "Substation Example" photograph depicts the Bliss Windpark substation from the Wyoming County NY Town of Eagle. DPS notes that the Bliss substation is a 115 kV facility, not a 230 kV facility as proposed for the Ball Hill Project. The scale of certain equipment is typically larger on higher voltage installations.
The FEIS should provide appropriate representations and descriptions of proposed facilities so that appropriate characterization and consideration of cumulative impacts of the Ball Hill Wind project and associated major electric transmission facility is documented.
11. DPS previously provided specific recommendations for substation lighting design and impact minimization. The SDEIS addresses certain aspects of these recommendations, but does not fully address impact minimization through requiring lighting design specifications (e.g., SDEIS Section 2.6.3.4, pg. 2.6-32). DPS repeats its recommendations: fixtures should be specified as full-cutoff with no drop-down optics. Task lighting should be controlled by manual switches to allow workers to light areas appropriate as needed to accomplish tasks. Motion triggered lighting can be inappropriately triggered by wildlife, blowing trash or vegetation, and is not recommended. Manufacturer's cut sheets should be provided, which specify lighting illuminance levels and pattern, and which list features as discussed above regarding light cutoff, shields, and optic criteria.

SDEIS-0001-11

SDEIS-0001-12

CUMULATIVE IMPACTS

12. In consideration of cumulative estimates of bird and bat fatalities, the SDEIS refers to the Cassadaga Wind project as proposing "70" turbines (SDEIS Section 4.2.2 Avian and Bat Species, including Table 4.2-2, pg. 4-6; Table 4.2-3, pg. 4-7; and discussion at pp. 4-8 and -9). DPS suggests that the calculation of total cumulative fatalities of birds and bats be reviewed based on the current proposal by Everpower Inc. for the Cassadaga Wind Project currently in development of an Application pursuant to PSL Article 10 in Case 14-F-0490. Pre-application materials identify the Cassadaga Wind facility as a "proposed 126 megawatt" project including construction and operation of "up to 62 wind turbines" (Cassadaga Wind Project Preliminary Scoping Statement, September 2015).

OTHER PERMITS AND APPROVALS

The FEIS should acknowledge the appropriate jurisdictional role of the NYS PSC in the overall Ball Hill Wind Project development, siting and permitting program. In addition to the Article VII jurisdiction described above, the Wind Project will be subject to PSL §68(1) authority as an Electric Corporation if the final design exceeds 80 MW, as previously described in DPS correspondence to the Lead Agency from June 18, 2008, and November 10, 2008.

If the final design will exceed 80 MW, the attached list of standard information requests regarding Wind Energy Project subject to PSL §68 CPCN Review should be addressed in a Petition for Issuance of a Certificate of Public Convenience and Necessity. To the extent that any of these questions relate to environmental findings, they should be addressed in the FEIS.

Appendix A

Ball Hill Wind Project – Substation Noise Assessment

Section 6.1.3. includes sound power levels (dBA) for one MVA, 120 Kv utility transformer with 5 dB noise reduction by octave band.

1. Confirm whether electrical power for the proposed transformer is 1 MVA. Explain if sound emissions for a 240 Kv transformer are expected to be different than those estimated for a 120 Kv transformer.
2. Provide version and year of publication of NEMA Standard used for sound power determination. Specify if the standard corresponds to the most recent version.
3. Provide estimated NEMA rating for proposed transformer.
4. Provide justification for the 5 dB noise reduction at all octave bands.
5. Provide estimated dimensions and envelope area applicable to sound power estimates, if available.
6. Provide clear derivation of sound power levels estimates or alternatively provide sound test including Sound Power Levels for proposed transformer from the Manufacturer.

Sound Level Assessment Report doesn't include an evaluation of tonality for proposed substation noise sources.

7. Provide full text of local laws and any section applicable to noise emissions from the substation including any noise reductions to be applied on any noise limits should a tone, as defined by local regulation, be present.
8. Report measured fractional band ambient noise levels (L90) in the vicinity of proposed substation.
9. Provide assessment of tonality at the most potentially impacted noise sensitive receptors. Specify if prominent tones are expected to be present at those locations.

Figures 6-1 and 6-2 show the 50 dBA noise contour line very close to adjacent noise sensitive receptors.

10. Provide expanded figures to show in better detail, proposed noise sources within the substation site, site property boundaries, and adjacent noise sensitive receptors.
11. Specify any increase in ambient levels based upon existing L90 ambient noise levels and forecasted ambient levels from the substation at the most impacted sound sensitive receptors including and excluding noise levels from the closest proposed wind turbines.
12. Estimate potential for annoyance and complaints from noise emissions at the closest noise sensitive receptors including any corrections for tonality, if applicable. Briefly explain and provide justification for the use of selected methodology for assessment of community noise reaction.



Department of
Public Service

Public Service Commission

Audrey Zibelman
Chair

Patricia L. Acampora
Gregg C. Sayre
Diane X. Burman
Commissioners

Kimberly A. Harriman
General Counsel
Kathleen H. Burgess
Secretary

Three Empire State Plaza, Albany, NY 12223-1350
www.dps.ny.gov

March 16, 2016

Via Email: Villanova@hughes.net

Villanova Town Board
c/o Villanova Town Clerk
1094 Butcher Road
South Dayton, New York 14138

Re: SEQRA Supplemental Draft Environmental Impact Statement (DEIS) SDEIS Comments –
Ball Hill Wind Project

To the Villanova Town Clerk and Board:

The Department of Public Service (DPS) Staff inadvertently neglected to attach a document referenced in submitted comments regarding the Supplemental Draft Environmental Impact Statement for the Ball Hill Wind Project, dated March 14, 2016. Please see the attachment entitled "Standard Information Requests for Wind Energy Project §68 CPCN Review"

SDEIS-0002-1

Please accept my apologies for any confusion this may have caused. Please call me at (518) 486-2853 with any questions regarding this matter or general comments pertaining to Staff's review.

Respectfully,

Andrew C. Davis
Utility Supervisor

cc: Renewable Energy Systems Ltd.
Robert Gibson, Ecology & Environment Inc. rgibson@ene.com

Standard information requests for Wind Energy Project §68 CPCN Review

1. Provide a list of engineering codes, standards, guidelines and practices that the company intends to conform with when planning, designing, constructing, operating and maintaining the wind turbines, electric collection system, substation, transmission line, inter-connection, and associated buildings and structures.
2.
 - a. Provide a list of the permits, approvals and permissions the company will have to obtain to construct, operate, maintain and retire the wind turbines, electric collection system, substation, transmission line, inter-connection, and associated buildings and structures.
 - b. Provide an estimated schedule for the application and receipt of items in item "a." above.
3. Provide a Quality Assurance and Control plan, including staffing positions and qualifications necessary, demonstrating how applicant will monitor and assure conformance of facility installation with all applicable design, engineering and installation standards and criteria as indicated in question 1 above.
4. Provide a statement from a responsible company official that:
 - a. company and its contractors will conform to the requirements for protection of underground facilities contained in Public Service Law §119-b, as implemented by 16 NYCRR Part 753;
 - b. company will comply with pole numbering and marking requirements, as implemented by 16 NYCRR Part 217.
5. Provide plans and descriptions indicating design, location and construction controls to avoid interference with existing utility transmission and distribution systems. Indicate detailed locations and specify design separations of proposed facilities from existing electric, gas, and communications infrastructure. Indicate measures to minimize interferences where avoidances cannot be reasonably achieved.
6. Provide description and indicate details of plans to limit public access and assure security at substations, collection points, wind energy facilities and aboveground components of electrical collection system..
7. Explain how the design and operation of the facility will avoid interference with radio communications, including cell phones, AM/FM/SW radio, television, radar, GPS and LORAN, and microwave transmissions.
8. Provide transmission facility design and construction plans, indicating vegetation clearing and disposal specifications, structure locations, access requirements, grading and access improvements, and environmental control measures including stormwater and erosion control practices and facilities.

9. Provide facility maintenance and management plans, procedures and criteria. Specifically address the following topics:
- a. turbine maintenance, safety inspections, and tower integrity;
 - b. electric transmission, gathering and interconnect line inspections, maintenance and repairs;
 - (i) vegetation clearance requirements;
 - (ii) vegetation management plans and procedures;
 - (iii) inspection and maintenance schedules;
 - (iv) notification and public relations for work in public right-of-way;
 - (v) minimization of interference with electric and communications distribution systems;
 - c. vegetation management practices for switchyard and substation yards, and for danger trees around stations; specifications for clearances; inspection and treatment schedules; and environmental controls to avoid off-site effects.
10. If the company will entertain proposals for sharing above ground facilities with other utilities (communications, cable, phone, cell phone relays, etc.) provide criteria and procedures for review of proposals.
11. Provide emergency response plans, notification and coordination procedures. Specify plans and procedures for addressing electric line outages, specification of 24-hours per day storm and emergency response situations. Include measures for communication and coordination with operators of existing utility facilities, and residents of adjoining or affected locations.
12. Specify commitments for addressing public complaints, and procedures for dispute resolution during facility construction and operation.
13. Specify commitments for end-of-life facility retirement and decommissioning, with specific references to electrical gathering and transmission system, interconnection and substation facilities.
14. Provide switchyard and substation design drawings and site plans, indicating:
- a. property lines and setbacks; access road location, width and gradient; site grading, cut and fill, drainage and environmental controls; all proposed improvements and equipment; fencing and gates; permanent erosion control measures;
 - b. Indicate any station lighting needs, and appropriate design criteria;
 - c. provide a statement indicating that any future lighting will be designed to avoid off-site lighting effects (i.e., avoid up-light direction except for as-necessary maintenance task-lighting; avoid drop-down optics to minimize light trespass);
 - d. listing of all electrical equipment and specifications for substation and switchyard facilities;
 - e. interconnection facility design plan and profile information.
15. Provide a status report on equipment availability and expected delivery dates for towers, turbines, transformers, and related major equipment.

16.
 - a. Specify turbine design setback requirements for the following structures: occupied structures (residences, businesses, and schools); barns and unoccupied structures; electric transmission lines.
 - b. Explain the rationale for the setback distances for each type of structure or facility.
 - c. Provide a detailed explanation as to why local setback provision from transmission lines cannot be accommodated in facility layout.

17. Provide an analysis of the electrostatic and electromagnetic fields for the proposed 115 kV or greater electric transmission line. Include a cross-section diagram and chart showing the results of the field strength analysis at average annual and annual maximum conductor current flow (maximum conductor rating). The cross-section diagram should demonstrate the electrostatic and electromagnetic field strengths extending horizontally from facility centerline to a distance of 300 feet.

18. Please provide production estimates as follows:
 - a. How much power does the applicant expect the project to generate annually?
 - b. What daily, seasonal and annual variation in production is expected?

19. For the entire project provide a list of all local, state and federal development and production inducements, subsidies, tax reliefs; and provide an estimate of the dollar value of each for the life of the project.

20. Provide documentation regarding the status and results of third-party review and certification (type and project) of wind turbines proposed for construction and operation at the electric plant.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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March 14, 2016

Town of Villenova
Town Clerk
1094 Butcher Road
South Dayton, NY 14138

Re: Ball Hill Wind Project, DEC Comments on Supplemental Environmental Impact Statement (SDEIS)

Dear Ms. Goodway,

The New York State Department of Environmental Conservation (NYSDEC or Department) appreciates the opportunity to submit comments on the January 27, 2016 Supplemental Environmental Impact Statement (SEIS) for Ball Hill Wind Project (Project), a proposed 79-100 MW, up to 36 turbine, wind powered electric generating facility located in the Towns of Villenova and Hanover, Chautauqua County, New York. To satisfy the requirements of the State Environmental Quality Review Act (SEQR), the Final EIS must contain sufficient information and analysis to allow the Department to produce a Findings Statement that supports NYSDEC's final permit decisions. As an involved agency in this process, NYSDEC is submitting these comments related primarily to its permitting authority with an emphasis on wetland, stream, invasive species, listed species and stormwater impacts.

The comments are provided with headers referring to the applicable section of the SEIS.

Executive Summary

Section Alternative Project Location and Design

This section states that the preliminary analysis of the Project Area was conducted in 2006 and later continued in 2015. Since conditions and potential constraints within the Project Area have changed during this time, the SDEIS should address how the alternatives analysis was updated given the length of time that has elapsed.

2.3 Water Quality

Section 2.3.1 Construction Impacts

A detailed discussion of each individual stream crossing is required to demonstrate that the proposed construction impacts could not be avoided or further minimized. An elaboration of the specific and necessary impacts would allow NYSDEC to weigh costs and benefits in our SEQR Findings. As part of this process, photos and plans for the access road crossing and buried collection line crossing sites are essential and site visits by NYSDEC staff to examine the crossings may be required.

In general terms, permanent roads will require bridges or culverts. If the crossings are temporary, a timber mat or other temporary equipment crossing is acceptable. No in-water crossings will be allowed such that equipment cannot be driven through streams unless the work is performed in dry conditions.

SDEIS-0003-3

With respect to stream crossings, the applicant shall abide by our document "Stream Crossings Guidelines and Best Management Practices" found at <http://www.dec.ny.gov/permits/49066.html>. Stream crossings should be designed to protect stream continuity. All crossings of class C(T) or higher streams should be completed using temporary or permanent crossing structures. The use of bridges is preferred over culverts, however, if culverts are used, they must meet the guidelines referenced above. Likewise, if NYSDEC regulated streams are impacted, the Project must meet standards established by NYSECL Article 15 (Protection of Waters) unless directional drilling is used to avoid all disturbance to the bed or banks of protected streams. If buried collection lines are to be placed by trench method, the work area must be isolated by damming and pumping, or similar method, and the work must be performed in dry conditions.

SDEIS-0003-4

2.4 Wetlands

Section 2.4 Delineated Wetlands

Regional NYSDEC staff conducted field verification site visits in 2008 and 2012 for previous Project delineations. However, the jurisdictional determinations associated with these site visits were either not finished or have expired. These "historic" delineations must be re-visited and updated where needed and combined with new delineation information before submission to NYSDEC for updated field verification. The delineation report should also include delineation shapefiles.

SDEIS-0003-5

The potential for unmapped wetlands that meet State jurisdictional criteria must be evaluated. For example, a wetland found to be >12.4 acres or otherwise meeting State criteria for jurisdiction, is a NYDDEC regulated wetland. Further, any delineated wetland found to be part of the same wetland complex as a currently mapped State-jurisdictional wetland is also regulated. Thus, NYSDEC regional staff must validate all wetland delineations.

SDEIS-0003-6

Section 2.4-1 Construction Impacts

Upon field verification, confirmation of NYSDEC jurisdiction of wetlands, and additional avoidance and minimization measures, calculations of impacts such as in Table 2.4-2 should be updated and included in the FEIS. Impacts to NYSDEC wetlands must be explained including why each impact could not be avoided and how impacts have been minimized.

SDEIS-0003-7

Under NYSDEC policy, wetland impacts are not permitted, even with mitigation, until other alternatives have been explored, including avoidance, minimization or reduction of impacts. Generally, applicants are required to examine alternative project designs that

SDEIS-0003-8

SDEIS-0003-8
Continued

avoid and reduce impacts to wetlands, develop plans to create or improve wetlands or wetland functions to compensate for unavoidable impacts to wetlands, and demonstrate overriding economic and social needs for the project that outweigh the environmental costs of impacts on the wetlands.

SDEIS-0003-9

DEC recommends that information regarding potential wetland impacts should be formatted such that wetland and adjacent area impacts are listed by wetland (including wetland name and agency jurisdiction) and include the type of impact (road, tower, transmission line, etc.). Preliminary plans of each area of impact which includes a written description of the impacts, both temporary and permanent, to the wetland and adjacent area must be provided. This description should also include the name, size and class of the wetland, the type of habitat impacted, the type and size of impact, a discussion of the restoration planned after construction, a justification of the impacts, and the steps taken for avoiding and minimizing these impacts.

SDEIS-0003-10

Moreover, when developing the Project plan, the Applicant must consult the following manual and guidelines:

- "New York State Department of Environmental Conservation Wetland Delineation Manual (1995)." The applicant should refer to DEC's Wetland Delineation Manual when delineating freshwater wetlands regulated under 6 New York Codes Rules and Regulations (NYCRR) Part 624 (Freshwater Wetlands).¹
- "Wetlands Regulation Guidelines on Compensatory Mitigation (1993)." If unavoidable wetland impacts are expected to result from project construction activities, compensatory mitigation may be required to demonstrate compliance with the 6 NYCRR Part 624. Proposed mitigation should conform to DEC wetland mitigation guidelines².

SDEIS-0003-11

Section 2.4-2 Operational Impacts

Same comments as 2.4-1, above.

Section 2.4-3 Mitigation

Mitigation for Permanent Impacts

In addition to proposed USACE mitigation, the SDEIS should also detail proposed NYSDEC mitigation.

SDEIS-0003-12

2.5 Biological Resources

Section 2.5.1 Construction Impacts-Upland Vegetation

This section erroneously states that Section 2.2 discusses Biological Resources and this should be changed to "Soils." Table 2.5-1 provides a detailed description of expected impacts to various habitat types in the Project area. This section indicates that a large portion of the Project area is forested, particularly in the southern areas, and the

SDEIS-0003-13

SDEIS-0003-14

¹ Found at www.dec.ny.gov/docs/wildlife_pdf/wdeiman.pdf

² Found at www.dec.ny.gov/docs/wildlife_pdf/wetmitgdln.pdf.

SDEIS-0003-14
Continued

habitat fragmentation due to construction of the Project is described as "minor in comparison with the overall acreage of forested land within the Project Area."

NYSDEC staff notes that the dominant cover type within the Project footprint and surrounding area is forest and more than half of the turbines are currently proposed to be built in these forested areas. Table 2.5-1 indicates that a total of 155.6 acres of forest would incur temporary impacts and 81.5 acres would sustain permanent impacts. NYSDEC staff considers the clearing of all forested habitat to be a permanent impact due to the time it takes a forest to regenerate to pre-construction conditions. The applicant should amend Table 2.5-1 and all other vegetation impact analyses to reflect that the construction and operation of the Project will result in 155.6 acres of permanent loss of forest.

SDEIS-0003-15

Although the shrubby young forest may provide valuable habitat to a suite of bird species after clearing, the forest interior species that depend on contiguous forest will be negatively impacted by the loss of cover and habitat fragmentation caused by turbines, roads, and other infrastructure. Any contiguous forest block of 150 acres or larger is valuable forest habitat—viable for many bird species that require interior forests for breeding. Most of these species are protected by federal and State laws such as the Migratory Bird Treaty Act (MBTA), Bald and Golden Eagle Protection Act (BGEPA), Part 182 of New York Codes, Rules and Regulations (NYCRR), and Article 11 of the NYSECL.

SDEIS-0003-16

The applicant should consider layout design and factors to minimize impacts to forest interior breeding birds and bats and to mitigate for unavoidable forest clearing. These may include but are not limited to, placing turbines as close as possible to forest/field edges to reduce impact to both habitat types, conducting all tree clearing outside of the primary bird nesting season (April 1-August 31) and bat emergence, roosting and swarming period (April 1-October 31); and communicating with NYSDEC and USFWS about options to mitigate for direct and indirect loss of forest interior habitat.

2.6 Bird and Bat Resources
Breeding Bird Survey

SDEIS-0003-17

It is unclear why information on existing bird and bat resources in the Project area would be located in Section 2.11, Traffic and Transportation. One grasshopper sparrow, a State species of special concern and grassland breeding species, was observed during the 2011 breeding bird survey. Information on precisely where the bird was observed, the duration of each observation, any breeding behavior seen, and other relevant notes should be provided to determine if any Project components may impact this species.

SDEIS-0003-18

Eagle Surveys

SDEIS-0003-19

The eagle population in the vicinity of the Project has increased significantly since eagle surveys were conducted and the number of eagle nests near the Project has also increased. Throughout this section, these changes in the eagle population should be incorporated into the discussion of potential impacts.

Eagle surveys should be repeated within the project area with updated survey points that adequately sample the current proposed project layout.

SDEIS-0003-20

Passive Bat Acoustical Study (2012) and Northern Long-Eared Bat Acoustic Survey (2015)

SDEIS-0003-21

During the acoustic survey conducted in 2012, the two detectors placed on a meteorological tower recorded 2243 calls that were able to be identified, 469 (20.9%) of which were Myotis species. No further analysis of the Myotis species calls were conducted, as the northern long-eared bat (NLEB) was not listed as threatened at the time, so it is unknown how many of these calls may have been made by northern long-eared bat. The 2015 survey determined probable presence of NLEB on the site, and it is possible the species was recorded in 2012 as well. NYSDEC requests the 2012 acoustic data be reevaluated to determine if NLEB were detected on site, and the date(s) of any potential NLEB calls.

2.6.1 Construction Impacts

SDEIS-0003-22

This section states, "...it is uncertain when tree clearing activities would be conducted" and "tree clearing during the late spring, summer, or early fall would have the greatest potential to have an adverse impact on nesting birds." Sections 2.6.1.1 and 2.6.1.2 both declare that no significant adverse impacts are expected as a result of construction of the Project. The applicant should explain why no adverse impacts are expected during Project construction when the dates of tree removal have not been determined.

Section 2.6.1.2 also states that the majority of construction activities would occur in agricultural fields; however, based on the maps provided in the SDEIS (e.g. Figure 1.1-2), over half of the turbines appear to be sited in forested areas. NYSDEC staff requires that no tree clearing take place between April 1 and October 31 to protect birds and bats during the breeding, migration, and fall swarming period.

SDEIS-0003-23

2.6.1.3 Construction-Potential Impacts on Threatened or Endangered Bird Species

SDEIS-0003-24

This section briefly discusses monitoring in grassland and forested areas for the presence of sensitive and listed species. NYSDEC requests more information on the protocols to be used during such monitoring, including the locations, timing and duration of surveys, number of personnel involved in the monitoring, and how notification of the discovery will be conveyed. The applicant should describe the proposed avoidance and minimization techniques if a nest is found.

As the project footprint, access road and turbine layout change, the applicant should provide the most current GIS shape files NYSDEC to facilitate timely and accurate review of potential impacts.

SDEIS-0003-25

2.6.1.4 Construction-Potential Impacts on Bats

This section commits to minimizing adverse construction impacts on bats and their roost trees, should tree clearing take place during the spring, summer or early fall periods. In

SDEIS-0003-26

coordination with NYSDEC and USFWS, a qualified biologist(s) will conduct tree inventories and monitor for presence through the use of acoustic detectors and/or exit surveys. To date, NYSDEC has not participated in discussions about this activity and staff encourages the applicant to develop a protocol for such work, should tree clearing occur during the time bats may be active on the site.

SDEIS-0003-26
Continued

2.6.1.5 Construction-Potential Impacts on Threatened or Endangered Bat Species

As previously noted, tree clearing is prohibited between April 1 and October 31 if State and federally threatened northern long-eared bats occupy a site. Since the presence of northern long-eared bat has been determined to be probable in the Project area during the summer, DEC recommends no tree clearing take place during that time.

SDEIS-0003-27

2.6.2 Operational Impacts

DEC recommends an operational curtailment regime designed to minimize direct impacts to bats. The applicant should engage in discussions with NYSDEC and USFWS to determine the appropriate timing and environmental conditions during which curtailment should take place.

SDEIS-0003-28

2.6.2.1 Operational-Potential Impacts on Migratory Birds-Passerines

The Department does not agree with the statement that the Project area is not immediately proximate to any large waterbodies that nocturnal migrants would use as stopover areas because all of the turbines are less than 12 miles from Lake Erie and the northern portion of the Project area is less than five miles from the Lake shore. As migrant birds, particularly songbirds, moving north in the spring utilize the areas along both Lakes Erie and Ontario, there is the potential for a higher than average mortality rate to occur at the Ball Hill project. The applicant is encouraged to work closely with NYSDEC and USFWS to develop appropriate post-construction monitoring studies that estimate bird and bat mortality and avoidance levels.

SDEIS-0003-29

2.6.2.2 Operational-Potential Impacts on Breeding Birds

Department staff believes that Figure 1.1-2 does not support the statement that the majority of the turbines would be sited in agricultural fields and open areas. In fact, Figure 1.1-2 shows approximately 19 turbines, or just over half, will be located in forested habitats. Additionally, some of the access roads, electric collection lines, and a large portion of the transmission lines are also located in forested areas. The post-construction monitoring study will investigate the indirect impacts on birds in forested and grassland habitats from turbines and other project components and will be developed in consultation with NYSDEC and USFWS.

SDEIS-0003-30

2.6.2.5 Operational-Potential Impacts on Threatened or Endangered Bat Species

The applicant must discuss the need for an incidental take permit for northern long-eared bats with NYSDEC staff due to the potential risk of collision with turbines at Project. The applicant should coordinate with NYDDEC and USFWS to discuss avoidance, minimization and mitigation techniques that will provide adequate protection to northern long-eared bats. Appropriate turbine cut-in speeds may vary with the time of year, time of day, and weather conditions.

SDEIS-0003-31

2.6.2.6 Bird and Bat Fatality Approximations

Table 2.6-4 should be updated to reflect all the available post-construction monitoring reports from New York available to date including the Steel Winds project. Steel Winds is the closest operating project to Ball Hill and is located on the shore of Lake Erie in Lackawanna. Bird mortality estimates at Steel Winds ranged from 7.15-8.46 birds per turbine and 2.89-3.38 birds per megawatt in 2012, and 6.92-15.5 birds per turbine and 2.77-6.2 birds per megawatt in 2013. This information should be used to calculate fatality estimates in this section and elsewhere in the SDEIS.

SDEIS-0003-32

4 Summary of Cumulative Impacts

While the section discusses aspects of cumulative impacts from the proposed Cassadaga and Arkwright wind projects, this section should further elaborate on the issues raised in the above comments with respect to bird and bat impacts, cumulative loss of habitat, and habitat fragmentation as a result of the construction of all proximate projects. The SDEIS states multiple times that cumulative impacts to habitat are not expected to be significant and that "wildlife would likely relocate to adjacent suitable habitat during construction or, upon cessation of construction, make use of areas temporarily disturbed, as revegetation takes place." No further information is provided to support this and it is unlikely that interior forest bird species will utilize cleared areas for breeding purposes since those areas will take decades to return to pre-construction conditions.

SDEIS-0003-33

Though DEC is unaware of exact roost locations for northern long-eared bats near the project area, the species is known to occur in Chautauqua County. Individuals have been captured in mist nets in the towns of Chautauqua and Ellington and the applicant's acoustic monitoring suggests northern long-eared bat is present on site. To reduce potential impacts to bats, NYSDEC recommends all tree clearing be conducted in the winter, between November 1 and March 31. DEC also recommends operational curtailment during periods when bats may be present and most active.

SDEIS-0003-34

SDEIS-0003-35

The proximity of the Project to the proposed Cassadaga wind project to the south/southwest and the Arkwright project to the west/southwest collectively covers a large area of northern Chautauqua County. The applicant should thoroughly describe and evaluate the cumulative impacts of all these projects on birds, bats, and their habitats, including estimated mortality levels and the indirect effects of fragmentation of contiguous forests, grassland, and wetlands. As changes are made to the Project area, access roads, electric lines, and turbine layouts, the applicant should provide the most current GIS shapefiles to NYSDEC to facilitate a timely and accurate review of potential impacts.

SDEIS-0003-36

SDEIS-0003-37

Appendix C-Draft Progress Wetland Delineation Report

Although Regional NYSDEC staff has conducted field verification site visits in 2008 and 2012 for previous delineations for the proposed Project, the jurisdictional determinations associated with these site visits were either not finished or have expired. These "historic" delineations must be re-visited, updated and combined with the new delineation information before submission to NYSDEC for updated field verification.

SDEIS-0003-38

When the delineation report is submitted, NYSDEC requests updated Project and wetland delineation shapefiles.

SDEIS-0003-39

Appendix E Stormwater Pollution Measures

Before commencing construction activity, the applicant must obtain coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The SWPPP subject to the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-15-002) shall include Erosion and Sediment Controls designed, installed and maintained in accordance with the most current version of the "New York Standards and Specifications for Erosion and Sediment Control." Additionally, for projects that include the construction of permanent gravel access roads, the SWPPP shall include post-construction stormwater management practices designed in accordance with the most current version of the "New York State Stormwater Management Design Manual (Manual)" (see Table 2, Appendix B of GP-0-15-002). Chapter 4 of the Design Manual should be used to determine the *minimum* sizing criteria for these post-construction controls.

SDEIS-0003-40

SDEIS-0003-41

Appendix F-Draft Environmental Management Plan and Invasives Species Management Plan

An acceptable invasive species plan must detail survey methods to identify existing invasive species, listed in NYSDEC regulations found at 6 NYCRR Part 575, in the Project area to ensure that these areas can be avoided. At a minimum, the plan must:

SDEIS-0003-42

- Specify the method used to ensure that imported fill and fill leaving the site will be free of invasive species to the extent practicable, and whether fill within the site will either be free of invasives or only used within the area infested with the same invasive species;
- Address how site grading and erosion and sediment control will work together to prevent invasives;
- Detail all cleaning procedures to remove invasive species from equipment, preferably with a power-washer, including personnel, location of designated equipment cleaning stations, location of off-site disposal (if the material is not rendered incapable of growth or reproduction) which must be either a landfill, incinerator or State-approved disposal facility. The procedures must ensure that the equipment will arrive and leave the site clean and all equipment and clothing-cleaning stations must be constructed so that invasive species seeds are removed;
- Describe the Best Management Practices or procedures that will be implemented to ensure that Project activities do not result in introduction or spread of invasive species, especially in or near regulated areas of special interest to NYSDEC Natural Resources staff such as areas

containing protected species or habitats within the Project area;

- Provide measures for educating workers about invasive species and how to prevent their spread, identify work areas which trigger cleaning activities (such as prior to using mats in streams and wetland and wetland adjacent areas) and identify methods to prevent and control the transport of invasive species as well as how to clean equipment and clothing using acceptable methods;
- List all planting and seeding materials to be used;
- Detail post-construction monitoring and survey approaches, preferably for at least 5 years, which would ensure that the objective of no net increase in invasive species was accomplished. If areal coverage of invasive species in the ROW Project area increases over the baseline survey level, remedial action should be considered in consultation with NYSDEC and USACE. If the goals of the invasive species control plan are not met within five years post-construction, a revised control plan containing additional control actions for an additional monitoring term must be submitted.

NYSDEC staff comments on the proposed ISMP are summarized below:

- 1) A major shortfall of the proposed ISMP limits survey work and area of concern to NYSDEC jurisdictional areas. The ISMP should extend to the whole Project area involving soil disturbance such as access roads, collection lines, staging/laydown areas, and all turbine sites. Pre-construction surveys of the entire Project corridor (in addition to wetlands and riparian areas) should be conducted to document infestations of invasive species that should be contained.
- 2) The Plan should include employee/staff invasive species training.
- 3) References to "post-construction surveys" of the area for invasive species should be changed to post-restoration surveys. In other words, surveys should be scheduled from the point that restoration is complete – not from when construction ends.
- 4) "Comprehensive surveys" of the area should be extended to the whole Project area (to include upland areas) and specifically target garlic mustard in addition to the other species listed. Areas of infestation should be mapped using GPS and coordinates included in the survey report – along with a GPS shapefile. The shapefile of infested areas will be included on construction drawings – where applicable.
- 5) References to the Federal and NYSDEC regulated wetlands, riparian areas, and NYSDEC adjacent areas (FDRA) should be changed to "Project site" in all

SDEIS-0003-43

SDEIS-0003-44

SDEIS-0003-45

SDEIS-0003-46

SDEIS-0003-47

references in the document.

- 6) BMPs should be used to clean equipment, etc. when leaving an infested area in order to prevent spread to non-infested areas. SDEIS-0003-48
- 7) BMP 2 "Inspection of Fill Sources", fill sources should be from certified weed free facilities only. SDEIS-0003-49
- 8) BMP 3, "Coordination with Agencies", the phrase, "all chemical treatments will be undertaken...." should be changed to "all chemical treatments will be applied...." And "removal of topsoil to a depth of 16 inches..." should be changed to "removal of topsoil to a depth of three feet..." When Japanese knotweed is concerned. References to "infected" should be changed to "infested..." and infested soil should be only disposed of in a certified sanitary landfill – not in upland areas. Eurasian milfoil is not the only plant that should be removed by hand and placed into 3-mm thick black containers but also phragmites, garlic mustard, Japanese knotweed, and purple loosestrife. SDEIS-0003-50
- 9) Post-construction surveys should extend to the entire Project site and cover crops should be non-invasive. As mentioned above "infection" should be replaced with "infestation" and "undertaken" should be replaced with "applied." Annual rye should be defined as "Lolium perenne". SDEIS-0003-51
- 10) BMP 4 "Equipment Sanitation", the sentence "Earth moving and excavation equipment used in an FDRA where invasive species are present will be cleaned free of debris and soil within an upland area near the infected area prior to the removal of the equipment from the FDRA" should be changed to read "Earth moving and excavation equipment used where invasive species are present will be cleaned free of debris and soil prior to moving the equipment to an uninfested area." SDEIS-0003-52
- 11) BMP 5, "Restoration", the term "FDRA" should be replaced with "Project site" as mentioned above. The second sentence should read "An appropriate seed mixture shall be used." An upland seed mix should be defined as is the wetland seed mix. SDEIS-0003-53
- 12) BMP 6, "Restoration Monitoring", the applicant should provide the NYSDEC with annual monitoring reports and FDRA should be replaced with "Project site." SDEIS-0003-54
- 13) BMPs 8 and 9, the term "areal" should be replaced with "aerial". And – as should all references in the document, FDRA should be replaced with "Project site." Post-construction should be replaced with post-restoration. The last sentence of Condition 9 should read "If the goal of this ISMP is not met within the first two years of post-restoration monitoring, Ball Hill will review its control efforts with NYSDEC and USACE, submit a revised ISMP plan, and implement applicable control actions and an additional monitoring term." SDEIS-0003-55

Appendix J-Conceptual Wetland Mitigation Measures

The applicant must work closely with NYSDEC and Army Corps of Engineers in developing appropriate mitigation with the understanding that mitigation is only an option after avoidance and minimization have been exhausted as possibilities.

SDEIS-0003-56

Appendix K-Results of 2011 Breeding Bird Surveys at the Ball Hill Wind Energy Project Area, August 2011

Additional information on the grasshopper sparrow, a State species of special concern and grassland breeding species, should be provided. This species was recorded in the 2007, 2008, and 2011 surveys. Information on precisely when and where the birds were observed, the duration of each observation, any breeding behavior seen, and other relevant notes should be provided to determine if any project components may impact this species. As all of the breeding bird surveys were conducted as points, rather than transects, post-construction surveys may not be directly comparable if done following current recommendations. The SDEIS should discuss the NYSDEC protocol that will provide the best data for post-construction breeding bird surveys.

SDEIS-0003-57

SDEIS-0003-58

Appendix K-Eagle Surveys at the Proposed Ball Hill Windpark, February 2013

There are currently 18 known bald eagle nests within 10 miles of the current Ball Hill Project boundary: 2 within 2 miles, 5 between 2 and 5 miles away, and 11 between 5 and 10 miles away. Nesting bald eagles in this area are known to use the proposed Project Area. The potential for significant impacts to these and other nesting pairs, exists if the operating Project causes a direct injury or mortality or if birds avoid the area due to the presence of turbines. The applicant is encouraged to request and review the most recent information available from the Natural Heritage Program regarding listed and sensitive species, and continue to communicate with NYSDEC and USFWS about avoidance, minimization and mitigation for any potential impacts to eagles as a result of the construction and operation of the Project.

SDEIS-0003-59

Appendix L-Bat Acoustic Monitoring Report for the Proposed Ball Hill Windpark, February 2013

NYSDEC requests the 2012 acoustic data be reevaluated to determine if northern long-eared bat were detected on site, and the date(s) of any potential northern long-eared bat calls. As 20.9% of all calls identified were Myotis calls, it is possible that northern long-eared bat were recorded during the 2012 surveys.

SDEIS-0003-60

Appendix L-Bat Acoustic Survey Report for the Ball Hill Wind Project, November 2015

Acoustic monitoring conducted July and August, 2015 following USFWS 2015 guidance indicated the State listed threatened northern long-eared bat may be present on site. Since State regulations prohibit the taking or disturbance of a listed species within their habitat without a permit, NYSDEC encourages the applicant to discuss next steps to avoid, minimize and mitigate for impacts to this species as a result of the construction and operation of the Ball Hill project. Such avoidance and minimization measures may

SDEIS-0003-61

include date restrictions on tree clearing and operational curtailment during periods when bats are likely to be most active.

SDEIS-0003-61
Continued

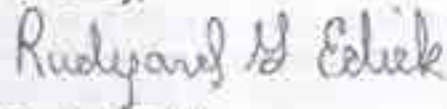
Required Items Not Provided

A Spill Control and Countermeasure Plan must be provided. Based on NYSDEC's experience with similar wind energy projects, spills of petroleum and other chemicals may occur during the construction and operational phases of the project. As such, the applicant should develop a spills management plan that is consistent the Department's regulations regarding petroleum bulk storage, chemical bulk storage and spill response and remediation. As guidance, the applicant can refer to the Department's guidance document entitled "Leaks, Spills and Accidents Management Practices Catalogue for Nonpoint Source Pollution Prevention and Water Quality Protection in New York State," found at the following link: www.dec.ny.gov/docs/water_pdf/leaksspillsbmp.pdf. The applicant can also refer to spill management plans that have been developed for other recent wind energy projects such as the Marble River Wind Project. The applicant should work with Regional NYSDEC spill response staff to ensure that the plan is adequate.

SDEIS-0003-62

Thank you for the opportunity to provide comment on this Wind Project. If you have any questions, please contact Rudyard Edick at (518) 402-9150, or by email at Rudyard.edick@dec.ny.gov.

Sincerely,



Rudyard Edick

Cc: Ball Hill Wind Project LLC
A. Davis, NYS DPS
J. Bonafide, OPRHP
M. Connerton, USACE
T. Sullivan, USFWS
P McKeown, DEC Region 9
DEC Review Team

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Thursday, March 10, 2016 12:00 PM
To: Sweeney, Mark
Subject: Fwd: wind turbines

----- Forwarded message -----

From: **Mark Sweeney** <mark.sweens16@gmail.com>
Date: Wed, Mar 9, 2016 at 8:40 AM
Subject: Re: wind turbines
To: Town of Villenova <villenova@hughes.net>

Thank you.

Mark Sweeney

Sent from my iPhone

On Mar 9, 2016, at 8:16 AM, Town of Villenova <villenova@hughes.net> wrote:

From: martin huber [mailto:mhubes9619@gmail.com]
Sent: Tuesday, March 08, 2016 4:04 PM
To: villenova@hughes.net
Subject: wind turbines

Villenova Town Clerk,

My name is Martin Huber, my family has lived on Round Top Rd. for over forty years. I am very concerned about the wind turbine project proposed for our town. I want you to know that I am very much against construction of these wind turbines. I believe that living literally right next to one of these towers will negatively effect my land value, and quality of life. I have lived near the wind farm near Warsaw NY while attending college, and I know firsthand that living in one of these farms is not pleasant. If you want to see what will happen to our town just take a ride up route 20a near Warsaw and take a look around. There are windmills as far as the eye can see in every direction. This has completely destroyed the beautiful landscape that area once had. I sincerely hope that you take into consideration the feelings of your constituents before any decisions are made.

SDEIS-0004-1

SDEIS-0004-2

SDEIS-0004-3

Thank you,

Martin Huber

--

Law Office of Mark T. Sweeney

16 Keith Road

Delmar, New York 12054

p: (518) 461-6838

e: mark.sweens16@gmail.com

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Monday, March 14, 2016 9:44 AM
To: Sweeney, Mark
Subject: Fwd: Ball Hill Wind Project Comments - scan

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villanova@hughes.net>
Date: March 14, 2016 at 9:30:14 AM EDT
To: <mark.sweens16@gmail.com>
Subject: Ball Hill Wind Project Comments - scan

March 9, 201
8 Robert Sts
Hamburg, Ny

Villanova Town Clerk
1094 Butcher Road
So. Dayton, Ny 14138

RE: Town Council Meeting with
Renewable Energy Systems (R.E.S)

Dear Sir:

The Town Council of Villanova held a meeting with (R.E.S), Country unknown, without the knowledge of property owners in Villanova. Little is known about the meeting except that the R.E.S. would like to set up an industrial windfarm in Villanova, with windmills being 500' tall, having the span of 2 football fields. This has not been accepted anywhere else in the United States to our knowledge. The noise alone would be deafening and intolerable, let alone the damage done to the countryside

SDEIS-0005-1

SDEIS-0005-2

and the animals,

SDEIS-0005-3

Something was mentioned about property taxes being lowered, but the worry is that the property value would be greatly decreased.

SDEIS-0005-4

A lot of money must be involved in this deal, at a great expense to the property owners of Villenova.

SDEIS-0005-5

Why ~~they~~ would the elected officials not be concerned about the people that elected them?

SDEIS-0005-6

This is definitely not in the interest of property owners of Villenova but to all property owners of rural property.

Sincerely
(Mrs) Marlene McVey
8 Robert Street
Hamburg, N.Y. 14025

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Monday, March 14, 2016 9:43 AM
To: Sweeney, Mark
Subject: Fwd: Public comments and questions on Ball Hill wind farm

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 14, 2016 at 8:19:01 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Public comments and questions on Ball Hill wind farm

From: Greg Snow [mailto:snowgreg26@gmail.com]
Sent: Friday, March 11, 2016 12:14 PM
To: villenova@hughes.net
Subject: Public comments and questions on Ball Hill wind farm

Comment:

I am opposed to the Ball Hill Wind project, the proposed turbines are too large to be sited near people. This project will permanently negatively impact the quality of our rural life and the monetary value of our homes. This project should be put on hold pending completion of the Arkwright wind project so Villenova residents can properly evaluate the impacts of an industrial installation of this magnitude.

SDEIS-0006-1
SDEIS-0006-2
SDEIS-0006-3

Questions:

Public access to information:

We have made repeated attempts to download and view Appendix A volumes I, II and III, the downloads never finish and we keep getting "file is damaged and cannot be opened", why is this important information unavailable to the public?

SDEIS-0006-4

Why are the .pdf's of the SDEIS and appendices secured (locked) documents? This has made them extremely difficult for us to work with as we are unable to print and copy/paste these files.

Sound and vibration:

Our area is extremely quiet and our average sound levels, especially at night, are far below those typically encountered in most suburban and rural areas. Was this reality actually measured here and taken into account when calculating the sonic impacts?

SDEIS-0006-5

What are the very low frequency and subsonic sound emissions (1 to 31.5Hz) of the proposed turbines at most critical wind speed?

SDEIS-0006-6

Since low frequency noise is a primary problem with wind turbines and the most difficult to mitigate, why was C weighting or very low frequency data not used in the modeling?

SDEIS-0006-7

Please detail sound measurement methodology employed by the turbine manufacturers, this information is not on their websites or addressed in the SDEIS.

SDEIS-0006-8

Per the noise study, where can we find the "modeling receptor ID #" applicable to our home so we can determine who is in the top "worst case for low frequency sound levels"?

SDEIS-0006-9

The GE 2.3-116 turbines have a "low noise trailing edge technology" option, if these turbines are selected will the low noise option be included and installed on all turbines?

SDEIS-0006-10

Since all machinery produces vibrations and the turbine's generator, transmission, bearings and blade vibrations and imbalances will produce vibrations that will be transmitted into and through the ground, where is the study that addresses this issue applicable to local stratum?

SDEIS-0006-11

What is the process for filing complaints on noise problems? How can we be certain all complaints will be addressed and resolved?

SDEIS-0006-12

Will a turbine be shut down during critical times (eg. overnight) if noise problems cannot be resolved?

SDEIS-0006-13

The sound level assessment states that no pure tones were identified in sound spectra, what about swept tones, low frequency sounds that are produced by rotating blades plus the Doppler effect?

SDEIS-0006-14

Financial:

SDEIS-0006-15

How will homeowners be compensated in the event they are unable to sell their homes or can't sell them at a fair price (their inflation adjusted pre wind farm value)?

--

Greg Snow
1726 Stafford Road
Forestville, NY 14062
716-673-5219

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Monday, March 14, 2016 9:43 AM
To: Sweeney, Mark
Subject: Fwd: Public comment on Ball Hill.docx
Attachments: Public comment on Ball Hill.docx; ATT00001.htm

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 14, 2016 at 8:17:20 AM EDT
To: <mark.sweens16@gmail.com>
Subject: **FW: Public comment on Ball Hill.docx**

-----Original Message-----

From: Cw [<mailto:cw.warner@yahoo.com>]
Sent: Sunday, March 13, 2016 2:08 PM
To: villenova@hughes.net
Subject: Public comment on Ball Hill.docx

Please let me know this is received and will be read for public comment as I will be unable to attend. I work evenings!

Thank you so much!

Chris Warner
1827 straight rd

To whom it may concern:

I am writing to express my frustration in supporting green energy, but being left out until the last minutes in changes and size adjustments to an already very large change in our very rural land scape. As a result I must voice my strong opposition to the siting of extremely tall wind turbines on Ball Hill in the Town of Villenova unless some changes are put into place. My residence and farm is on Straight Road in the Town of Arkwright, less than 1.5 miles from turbine #2.

SDEIS-0007-1

I purchased my property in Arkwright, which was an abandoned farm and farmhouse at the time of purchase, because I wanted to invest and improve in the property, invest in the community, be a good neighbor, and live and farm in a rural, quiet, beautiful and peaceful region of Western New York. The construction of large wind turbines, that are taller than every building or tower in Chautauqua, Cattaraugus and Erie County, except for the HSBC tower in downtown Buffalo, will dramatically change the landscape, in particular, imposing a constant visual and audial disturbance in this rural area. I live on a farm, with barns, farm animals, fields and wooded land. The Ball Hill Wind Project proposal should not be called a wind "farm" proposal, it is a proposal to install extremely large industrial power generators in a farming area. It will change the area significantly and at least for the rest of my lifetime.

SDEIS-0007-2

SDEIS-0007-3

I oppose the siting of turbines where I will be able to see from my property large blades turning, constant motion will be a visual distraction. I am also concerned with the potential for turbine "flicker" if sun is behind the turbines, and do not agree the statement within the Ball Hill Supplemental Draft Environmental Impact Statement (1/19/2016) that flicker that occurs shortly after sunrise will not impact residents because they "are typically asleep with the shades drawn" (page 2.7-12). The SDEIS apparently wasn't written by farmers or residents who wake up early or don't need shades for privacy or want shades in the house like myself.

SDEIS-0007-4

I oppose the siting of turbines where I will hear the repetitive or low frequency sound of blades turning. This will destroy the quiet atmosphere rural residents are accustomed to. The SDEIS says the noise will be like an "episodic event such as passing of cars or barking of dogs" (page 2.8-1). The regular, repetitive, or low-frequency drumming of turbine noise is not appropriate to compare to dog and car noise I experience because of the frequency. I only hear one car drive up my dirt road every hour or two, or hear a dog bark a few times once or twice a day if at all.

SDEIS-0007-5

I am very concerned about the health of my children, age 6 and 7, with the turbines so close to the house. One of my sons has recently been diagnosed with a learning disability and sensory issues, and I do not want the repetitive turbine motion or repetitive sound to create negative stimulus for him, and cause me to have to move to keep my family healthy.

SDEIS-0007-6

If I am forced to move due to the wind turbines negative impact on my family, I want to make sure that my property value has not decreased and recommend that as part of this review all residences within a 10 mile radius of the Project receive a current property assessment. The SDEIS says that studies show that there is no statistical difference in property values before and after turbines are constructed, but I am concerned about property values for residences like myself which are very close to turbines (0 to 1.5 miles). A paper I looked up said that broadly there is no statistical negative impact on property values,

SDEIS-0007-7

but there is the possibility for negative impact to properties very close to the turbines (this information is from an article by Corey Lang, "The windy city: Property value impacts of wind turbines in an urban setting" Energy Economics 44 (2014)). I would like an assessment and a guarantee that if I have to sell because of the health of my children I will be compensated for the difference

SDEIS-0007-7
Continued

I am concerned about the impact the turbines will have on birds. I have been feeding migratory ruby-throated hummingbirds at my residence for 18 years. I have counted from 16-22 hummingbird individuals that feed on my property, and on average 6-8 pairs nest next to the feeders on my property each year. I am also aware of a nearby bald eagle nest, and am concerned that bird strikes will occur due to the size and speed of the turbines- 160 miles per hour. I care very much about the health of the wildlife, and do not want to see birds or bats killed by the turbines.

SDEIS-0007-8

I care about producing green energy. I have recently installed solar panels at my residence to generate electricity without consuming fossil fuel. The solar panels do not move, do not tower over my house and trees, do not make noise and do not kill wildlife. I would have much rather seen a much smaller scaled green energy project developed to produce energy for use by local residents. One or two smaller turbines or a solar panel array could serve much of the energy need of the surrounding area, and provide benefit to all in the community that would bear the burden of having structures placed in or near our backyards. Instead, the power generated by these turbines will be transmitted outside of Chautauqua County, and due to the distance it will have to travel and the inefficiency of transmission lines, much of this energy produced on the backs of my community, will be lost before it reaches its final destination. I would like to know how much of the 100 MW of energy that would be generated by the Ball Hill Wind Project would be lost during transmission? While I want to see more green energy production, and less fossil fuel production, I am very concerned that green energy is being lost when wind power plants like Ball Hill Wind Project are not being sited closer to the cities that are using the power.

SDEIS-0007-9

I am concerned about the cumulative impacts multiple large Wind Projects will have along the Chautauqua Ridge. I participated in public hearings on the Arkwright Summit Wind Farm years ago and thought the project was not moving forward until newspaper articles announced that it would be constructed in 2017. I have heard there are other projects planned in the area, such as the Cassadaga Wind Project, in addition to the Arkwright Summit Wind Farm and the Ball Hill Wind Project, and believe that in an effort to get their project approved, any individual project developer will minimize and underestimate the combined, cumulative negative impact on community residents who will be surrounded by turbines, as well as birds and bats that migrate along the ridge and through the area. The Ball Hill Wind Project and the Arkwright Wind Farm are so close (the closest turbines are 1.4 miles apart according to the SDEIS, page 4.1) that the projects environmental impact should be assessed together, as once constructed residents and wildlife will just be living within and migrating through and around one extremely large industrial wind project. All the communities within and near the three projects should receive benefits, as we are those that will be living with the turbines every day. Compensation to property owners within the broader footprint of these three projects could be given such as free green energy, to help retain or improve properties and residences for those living near the turbines. This could aid to the ability of those attempting to go green with greenhouses operate and improve our

SDEIS-0007-10

SDEIS-0007-11

community. Green energy and other benefits to nearby properties, not only those properties where the turbines are actually sited, should be negotiated by all the impacted towns, together. I think the town, and the residents could gain much more for what the impacted community is losing and risking. I don't think the impacted residents' needs are currently being represented well enough, and strongly encourage the town to work for better protections for us.

SDEIS-0007-11
Continued

I believe that a computer model should be created that can show every resident within a 10 mile radius of the Ball Hill Wind Project what the turbines will look like and sound like, when the turbines are in motion, from their actual property. I believe this kind of virtual reality model will help our impacted community better understand what it will be like living with tremendously large turbines, every minute of every day.

SDEIS-0007-12

I work evenings and have been unable to attend community meetings so far. This doesn't mean I'm not very interested and I believe that in order for projects like this to be a success, the entire community should be involved and benefit. Project developers want to build turbines on the Chautauqua Ridge, the town has more negotiating power than it thinks. These are long-term impactful changes proposed for our community; I feel the town should negotiate for higher community compensation, compensation benefiting all individuals that are impacted visually, audibly and physically. Without this I feel we are getting the very short end of a very big stick.

SDEIS-0007-13

SDEIS-0007-14

Thank you for taking my concerns and recommendations seriously. I hope you organize more community meetings and work to better represent us all. Please contact me if you have any questions.

Sincerely,

Christopher Warner

1827 Straight Road

Forestville, NY 14062

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Monday, March 14, 2016 9:42 AM
To: Sweeney, Mark
Subject: Fwd: Windmill

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villanova@hughes.net>
Date: March 14, 2016 at 8:16:07 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Windmill

-----Original Message-----

From: Charlie Leone [<mailto:charlie@gothiccity.com>]
Sent: Sunday, March 13, 2016 6:13 PM
To: Villanova@hughes.net
Subject: Windmill

To whom it may concern,

My name is Charlie Leone and I am a concerned property owner in Hanover and Villanova. I have been looking over these beautiful hills for 52 years and am devastated that the landscape is in danger of losing that beauty. The proposed windmills are a monstrosity. They are an eyesore and a danger to wildlife. I strongly oppose going forward with their construction.

Sincerely,
Charles Leone=

SDEIS-0008-1

SDEIS-0008-2

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Monday, March 14, 2016 11:23 AM
To: Sweeney, Mark
Subject: Fwd: Wind mills

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 14, 2016 at 10:30:08 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Wind mills

From: Doug Rumsey [<mailto:rumseydoug39@gmail.com>]
Sent: Monday, March 14, 2016 9:45 AM
To: villenova@hughes.net
Subject: Wind mills

I have heard alot of talk of windmills being put In our community. All i can say is. I am not for it. If I have to pay taxes. Then I shouldn't have to look out my window and see this. Our hills look fine like they are. Plus the decrease in property values for this. Doug rumsey.

SDEIS-0009-1
SDEIS-0009-2
SDEIS-0009-3

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Tuesday, March 15, 2016 9:52 AM
To: Sweeney, Mark
Subject: Fwd: Comments on the Ball Hill EIS

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 15, 2016 at 8:36:26 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Comments on the Ball Hill EIS

From: Jonathan Titus [<mailto:Jonathan.Titus@fredonia.edu>]
Sent: Monday, March 14, 2016 8:55 PM
To: [Villenova@hughes.net](mailto:villenova@hughes.net)
Subject: Comments on the Ball Hill EIS

Dear Sir/Madame,

I am writing this letter to express my concern with the Ball Hill Wind Energy Project. We are supporters of alternative energy projects, however, appropriate siting is critical to any project. My first concern is that even though we are taxpayers who own property in Villenova we only found out about the project a few days ago. We were then surprised to find out that the EIS public comment period ended today. Our property is adjacent to one of the project sites and I believe we should have found out about the project much earlier in the process. We then found it difficult to download sections of the EIS – it appears that some of the sections are corrupted. I urge you to please extend the public comment period and be sure that the EIS is easily accessible and neighbors notified. I do have a number of comments on the EIS based on a rather cursory examination of the portions of the EIS I could access.

1. It is very important that a foolproof guarantee be associated with the project such that if the project is abandoned or decommissioned Renewable Energy Systems is obligated to restore all of the sites to the highest possible standards. This must be a large enough bond such that a clean-up will occur regardless of the status of Renewable Energy Systems. A lack of protection to local communities from abandoned energy projects has been a problem across the country.

2. Our property in Villenova is subjected to constant invasions by non-native invasive species, which we have to pull so that the woods do not become completely overrun. These

SDEIS-0010-1

SDEIS-0010-2

SDEIS-0010-3

non-native species are spreading due to dispersal along roads often by construction vehicles. The invasive species appendix of the EIS is insufficient in that no mechanism is proposed to stop the spread of invasive species which will occur along the access roads during and after the construction process. Cleaning the construction vehicles will help but the invasive species will spread along the roads and into the nearby woods, regardless. The invasive species section is also out of date having been written in 2008. New data and an updated analysis are needed.

SDEIS-0010-3
Continued

3. The bird surveys detected some important grassland bird species such as bobolinks, savanna sparrows and one grasshopper sparrow to name a few. The most recent survey was 5 years ago in 2011. In section 2.12.2.2 “ Potential Impacts on Breeding Birds” the EIS states that impacts on breeding birds will be minimal, however, no evidence is presented as to why this is the case. Likewise in the next few sections impacts to raptors and bats are minimized. These sections need current data and evidence to support these statements.

SDEIS-0010-4

4. I am concerned that the noise analysis does not adequately address low frequency sounds.

SDEIS-0010-5

5. The species lists on the wetland data sheets are incomplete as is stated in the appendix. It is clear that the work was conducted outside of the growing season and the plant lists on the wetland data sheets are lacking in detail. To adequately assess wetland impacts and plan appropriate mitigation measures more data from growing season wetland assessments is needed. The mitigation plan proposed in the EIS is not adequate.

SDEIS-0010-6

Thank you for considering my comments. Please consider lengthening the comment period and increasing access to the EIS.

SDEIS-0010-7

Sincerely,

Jon Titus

Jonathan Titus
Biology Dept.
SUNY-Fredonia
Fredonia, NY 14063

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Tuesday, March 15, 2016 9:51 AM
To: Sweeney, Mark
Subject: Fwd: Public Comment concerning BALD HILL SDEIS

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 15, 2016 at 8:36:09 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Public Comment concerning BALD HILL SDEIS

From: Priscilla Titus [<mailto:priscillatitus@yahoo.com>]
Sent: Monday, March 14, 2016 5:07 PM
To: villenova@hughes.net
Subject: Public Comment concerning BALD HILL SDEIS

Dear Representative,

As a landowner in the Town of Villenova, I was dismayed to learn from a friend that the deadline for comments regarding the Ball Hill SDEIS was today. Our property lies within the project area and two structures are proposed within sight of our property. Although I live in the Village of Fredonia, the tax bill for our Villenova property always arrives on time. Why was no written notice sent regarding the comment period for this analysis? To further complicate my review of the analysis, I was unable to access Appendices Volumes I,II, and III of the DEIS from the website because the files are apparently corrupt; and, because I am recovering from surgery at this time, I am unable to travel to the Town offices in order to look at hard copies. I see no evidence that this project was listed in the NYS Department of Environmental Conservation's Environmental Notice Bulletin. Thus,I feel the public review process for this project is inadequate and the period for public review should be extended to a date not less than 90 days after a notice has been sent to every landowner in the project area describing the current analysis and providing detailed instructions that enable access to review documents.

From my cursory understanding of this project, given the inadequate time and resources in which I had to review it, I respectfully submit the following comments:

- In general, I believe the development of alternative energy production facilities is necessary and worthwhile, but appropriate siting is crucial both to the success of the facility and to appropriate minimization and mitigation of unavoidable adverse impacts. This modified project comprises the construction and operation of 36 wind turbines, each of which is nearly 500 feet tall, in a area that is rural in nature and not appropriate for a project of this magnitude.
- The invasive species management plan needs to be updated to reflect the spread and introduction of additional invasive species in the area since the time of the 2008 survey, and

SDEIS-0011-1

SDEIS-0011-2

SDEIS-0011-3

adaptive management plans for the maintenance roads and the areas around the structures should be developed.

SDEIS-0011-3
Continued

- I have concerns regarding long term maintenance of the structures in the event that this project does not yield the financial rewards that are anticipated. Who will be responsible for decommissioning the structures should they fail to perform as desired?
- The noise impacts are not adequately analysed to reflect low frequency sound anticipated with the current project design.
- The wetland analysis is incomplete.
- Adverse impacts to wildlife including birds and bats is inadequately addressed because it does not take into account the effects of habitat degradation and fragmentation and the effects of noise and visual disturbances including those involved in maintenance.
- I do not agree that potential construction impacts would "generally be confined to the properties of participating landowners, and would be temporary in nature." Obviously, neighboring property owners will be affected by the project both during and following construction in many ways, some of which are long-term.

SDEIS-0011-4

SDEIS-0011-5

SDEIS-0011-6

SDEIS-0011-7

SDEIS-0011-8

Thank you for your consideration of these comments and your efforts to ensure that the project is truly in the best interest of all concerned.

Sincerely,
Priscilla Titus
15 Maple Avenue
Fredonia, NY 14063

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Tuesday, March 15, 2016 9:50 AM
To: Sweeney, Mark
Subject: Fwd: Ball Hill Wind Project

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villanova@hughes.net>
Date: March 15, 2016 at 8:30:10 AM EDT
To: <mark.sweens16@gmail.com>
Subject: FW: Ball Hill Wind Project

From: Gong Garden CSA [<mailto:gonggarden@yahoo.com>]
Sent: Monday, March 14, 2016 3:59 PM
To: villanova@hughes.net
Subject: Ball Hill Wind Project

Dear people,

I am an Arkwright resident.

I feel this project is very bad and wrong. Outdated turbines, not enough bond money, lousy corporate secrets, the usual corruption.

If these come any closer to Arkwright you will have the fight of your corporate lives.

Thank you,
Peter Calanii

"The ultimate goal of farming is not the growing of crops, but the cultivation and perfection of human beings." Masanobu Fukuoka

SDEIS-0012-1

Sweeney, Mark

From: Mark Sweeney <mark.sweens16@gmail.com>
Sent: Tuesday, March 15, 2016 9:50 AM
To: Sweeney, Mark
Subject: Fwd: Opposition to Ball Hill Wind Project

Mark Sweeney

Sent from my iPhone

Begin forwarded message:

From: "Town of Villenova" <villenova@hughes.net>
Date: March 15, 2016 at 8:28:57 AM EDT
To: <mark.sweens16@gmail.com>
Subject: **FW: Opposition to Ball Hill Wind Project**

-----Original Message-----

From: Jonathan Townsend [<mailto:jonathanptownsend@gmail.com>]
Sent: Monday, March 14, 2016 2:20 PM
To: villenova@hughes.net
Subject: Opposition to Ball Hill Wind Project

Dear Sir or Madam,

My name is Jonathan Townsend, and I am writing to voice my strong opposition to the proposed wind energy development at Ball Hill. There are undoubtedly many reasons that one might write in to protest this project, so I will focus on an area I am uniquely qualified to comment on - the risks this poses to bats. As someone who has had a lifelong passion for bat conservation, and as a bat biologist, I am opposed to any wind energy development at the scale and intensity that will be found at Ball Hill. My opposition to the project falls largely into two categories, habitat fragmentation and loss, and bat fatalities associated with construction and operation of the facility.

Habitat fragmentation, while admittedly is less of an issue for bats as opposed to birds or other organisms, will still result in a net loss of roosting habitat or direct loss of roosts through clearing of forests to put in access roads or transmission lines. It will also result in bat fatalities, stress on bat populations through construction activities, and a change in the landscape that will have an impact on the bat populations found there. Yes, bats do often forage in open areas in the canopy, and yes this project will create such openings. However, forests in the County are already fragmented, and there are no lack of forest clearings for bats to exploit. There IS a lack of contiguous mature forest for roosting habitat, which is exactly the type of habitat that species such as the northern long eared bat utilize. As you may know, the northern long eared bat is a species that was recently listed as "Threatened" by the USFWS, and from bat surveys associated

SDEIS-0013-1

SDEIS-0013-2

with this project has been deemed likely to be living within the project area. Additionally, bats can travel well over 10 miles in an evening while out foraging, so there is the potential to impact bat populations not surveyed for or quantified in the SDEIS.

SDEIS-0013-2
Continued

Construction activities are part of the process of habitat fragmentation. The Ball Hill SDEIS claims that construction activities "would not be expected to have a significant adverse effect on bat populations because bats are most active at night when construction is not taking place and because they can temporarily relocate". Bats ARE most active at night, but they still need to sleep, which occurs during the time that construction activities are occurring, so this will still have an impact. Bats CAN relocate - but this relocation puts stress on bats that would normally not occur, places them at an elevated risk of predation, and lowers their success in reproduction and foraging, which can potentially impact the entire local population.

SDEIS-0013-3

Long known for the impact on bird populations, the wind energy industry actually has greater impacts on bats. On average, around 500,000 individual bats are killed each year in the United States as a result of wind turbine operation. Couple this with the losses from White Nose Syndrome (WNS), a disease affecting cave hibernating bat species, and this becomes a very real conservation issue. Nearly 6 million bats have died in the US since WNS was discovered, also in that time an additional 5 million bats may have died from wind energy related fatalities.

SDEIS-0013-4

Depending on whether you use the SDEIS estimates of bat fatality regarding individual turbines or based on the overall megawatts of turbine production, mortality rates of up to 1440 - 1630 individuals per survey season (roughly April to November) are possible. Bats reproduce slowly, generally having just one pup per year. When populations become impacted in this way, it becomes harder and harder for these species to replace those lost each year, and still maintain a viable, thriving population. Wind energy disproportionately impacts the migratory "tree" bats, while WNS largely impacts "cave" bats - between both of these major sources of mortality each group has been put under extreme pressure. These are just two sources, among dozens of other issues such as human persecution, environmental toxins (heavy metals, pesticides, herbicides etc), and an unstable, unpredictable climate. Each individual bat is crucial, especially for species such as the northern long eared and little brown bats - who have experienced dramatic declines (90-98%) in NYS resulting from WNS, and who are likely to inhabit or utilize the project area for this wind park.

SDEIS-0013-5

We cannot hope to turn the tide for our local bats if we keep justifying the need for projects such as this based on anthropocentric minded values. While I applaud the desire to move away from fossil fuels, I do not think this is the right direction to take. As a consultant conducting post construction bat and bird fatality studies in WNY it wasn't unusual for me to drive 800 miles in a week to document fatalities, and when factoring in diesel truck operation for clearing, constructing and maintaining these facilities; as well as the removal of trees that store carbon; it becomes clear that the industry overall is anything but fossil fuel free.

SDEIS-0013-6

Human activities have created immense tracts of developed land - parking lots, roof tops and streets, that we can utilize for less intrusive methods of electricity generation like solar, or smaller scale, more bat friendly, wind energy units. Projects like this one at Ball Hill will take a rural, agricultural, or forested region, and dot it with enormous, intrusive turbines that will irrevocably change the landscape. Bats everywhere are in deep, deep trouble. Not just locally, but worldwide. They are also extremely crucial organisms, and the more biologists study them, the more crucial they appear to be. In this age of spreading mosquito borne pathogens, destructive agricultural pests, or other insect related issues, it makes sense to conserve our bats,

SDEIS-0013-7

SDEIS-0013-8

not add to their woes. If not for their intrinsic value, let's conserve them based on ecological economics, for bats provide billions of dollars in ecological services that often go unnoticed. I ask that you please consider the impact this project will have on bats - ANY impact is unacceptable when considering the mounting issues they currently face.

Thank you for the opportunity to voice my views on this matter, if you have any questions please feel free to contact me. I appreciate your time and consideration.

Sincerely,

Jonathan Townsend

Judy Phillips
9850 Silver Creek- South Dayton Road
Forestville, New York 14062
716-988-7727
March 14, 2016

Villanova Town Board
1094 Butcher Road
South Dayton, New York 14138

To the Villanova Town Board:

This is the second letter I've submitted to the Villanova Town Board as the SEQRA lead agency for the proposed Ball Hill Wind Project. For the following reasons, I am asking the board members to stop this proposed industrial project from any further continuance by not accepting or approving the SDEIS and vote for the no build alternative.

- Many Villanova residents are not well informed about the details of the industrial Ball Hill Wind Project and how their involvement can affect it, the procedures and steps involved with its approval, host agreement and PILOT incentives, other agencies involved in the project, and the timelines and deadlines that influence the outcome.
- For residents with the limited forms of access in our area to the internet, the slow download of the many appendixes is frustrating and may deter residents from reading about the project on the Ball Hill web site.
- This project would cause health problems for residents.
- Construction and operation of this project would cause damaging, irreversible, wildlife and plant habitat fragmentation, considerable long term environmental and major negative visual impacts to our rural community.
- Wind power is intermittent, unreliable and heavily subsidized by taxpayer awards (surcharges on electric bills) though the NYSERDA renewable energy contract.
- Town of Villanova wind laws would have to be amended to allow 500 foot turbines.
- Decommissioning agreement may be very difficult to enforce with another perhaps oversees located wind company. Turbines could be rebuilt or replaced on land after their 20 year "lifespan". Wind farms are often sold multiple times because any new owner will receive tax incentives based upon the higher, original start-up value of a turbine.

I've spent many hours trying to understand this complex project, after reading the SDEIS, I am against this industrial project being constructed in the Towns of Villanova and Hanover.

Sincerely,

Judy Phillips

SDEIS-0014-1

SDEIS-0014-2

SDEIS-0014-3

SDEIS-0014-4

SDEIS-0014-5

SDEIS-0014-6

SDEIS-0014-7

SDEIS-0014-8

SDEIS-0014-9

Comments Recorded at the March 2, 2016, Public Hearing

BALL HILL PUBLIC HEARING

Proceedings held at 1119

Route 83, South Dayton, New York, taken on March 2, 2016,
commencing at 7:00 P.M., before ERIN L. McPARTLAN, Notary
Public.

1 RICHARD ARDILLO: We're here tonight for a public
2 hearing on our environmental impact study with
3 the wind project.

4 Could I have a motion to open the meeting?

5 ANGELO GRAZIANO: I'll make a motion.

6 KEITH BUTCHER: I'll make that a second.

7 RICHARD ARDILLO: All in favor? Okay. Motion
8 carried.

9 DANIEL SPITZER: Just for the record, if you would
10 just let the stenographer know who made the
11 motion and who made second.

12 RICHARD ARDILLO: Angelo Graziano made the motion and
13 the second by Keith Butcher.

14 At this point I'm going to turn the meeting
15 over to our attorney representing the Town of
16 Villenova for the wind project, Mr. Dan Spitzer.
17 He'll be conducting the meeting from here on out.

18 As you're given the opportunity to speak,
19 please when you do so, if you stand, state your
20 name so that we have a record of who all said
21 what. Okay? Thank you. Dan?

22 DANIEL SPITZER: Thank you, Mr. Supervisor. Good
23 evening, everybody. Hopefully everybody made it

1 safe and sound here. We came up 83 and there was
2 a car flipped over on its side and they were
3 definitely going a little faster than we were, so
4 I'm glad you're all here safe and I hope whoever
5 -- I didn't see anybody hurt or anything, so
6 hopefully no one was hurt tonight.

7 We are here tonight to talk about and to
8 move forward the next phase of the Ball Hill wind
9 project. To those of you who have been following
10 along in the community, the project has been
11 moving along at a pace that really reflects the
12 wind industry in New York. As the industry has
13 looked for the opportunities to work with the
14 state and move forward this project has moved
15 along, and here is where we're at and here's what
16 we're going to do tonight.

17 Whenever you have a project of this scope
18 it's important to take a look at the
19 environmental impacts along with the economic and
20 social impacts, and that process is done through
21 a document known as a draft environmental impact
22 statement. The draft environmental impact
23 statement, or DEIS, is prepared based on a scope

1 which are the things that are to be studied that
2 is set out by the town board. The town board
3 initially adopted a scope and the project
4 applicant prepared a DEIS for this project a
5 number of years ago. Since then the project has
6 changed to reflect technology, the fact that
7 there are more powerful turbines capable, now the
8 less turbines are needed to produce the same
9 amount of energy, other changes within the
10 industry, and as well as to reflect any changes
11 that have gone on in the local environment.

12 So the current document that in front of the
13 town was -- is called a supplemental
14 environmental impact statement. It basically
15 looks at the changes that happened since the
16 original DEIS. Now, tonight we're looking at
17 everything related to the project.

18 In addition to asking questions about the
19 DEIS and the SEIS, this is also the time for you
20 to state what your opinions are about the
21 project, yea or nay, and to ask any questions
22 about the projects approval. This is also the
23 public hearing for the town on the zoning aspects

1 of the approval, so if you live in the Town of
2 Hanover where this project is also located, the
3 Town of Hanover will have its own hearing if it
4 goes forward with the project. But for -- anyone
5 who is here can ask questions, but they want the
6 way it works tonight is this is a public hearing
7 which means generally you can make any comments
8 you want. You can ask any questions you want.
9 It's not generally intended to be a debate,
10 though, or back-and-forth. The applicant has
11 agreed to try to answer any questions he can, but
12 keep in mind that the process requires that any
13 questions that are asked tonight or any question
14 that you submit in writing to the town hall in
15 the next ten days will be answered in a document
16 called a final environmental impact statement, so
17 every question will be answered whether it's
18 answered tonight or not.

19 The way we're going to proceed tonight is
20 I'm going to turn things over to the applicant.
21 They are going to make some introductory remarks
22 about the project. They are going to turn it
23 over to the environmental expert who is going to

1 give an update of what was done on the DEIS and
2 explain the most recent changes, and then we're
3 going to -- going to open it up to the public, to
4 you, for your comments.

5 As the supervisor said, please be sure to
6 say your name and address so that we have it for
7 the record. Try to limit everybody in terms
8 of -- we're not going to try to hold to tight
9 rules, at least to start with and how much time,
10 but we do want to make sure everybody gets a
11 chance to speak, so we have to try to keep the
12 comments within three to five minutes if you can,
13 at least the first time through, so that we all
14 get home at a decent hour, but also to make sure
15 everyone has a chance. Remember, you can submit
16 anything that you think of after tonight in a
17 written comment to the town, so everybody will
18 get answered.

19 So the wind project is proposed by the
20 applicant, RES Americas, and at this point I'll
21 turn it over to Dan and your team to move
22 forward.

23 DAN BOYD: Thanks. Good evening. I'm Dan Boyd. I'm

1 a senior director of development for RES
2 Americas. We're the developer for the project.
3 As Dan kind of mentioned already, I'm rather
4 familiar with the project. I used to work for
5 Noble Environmental Power, the original applicant
6 on the project, and we have a lot of the same
7 people still working on this project today.

8 I'd like to kind of start off by telling you
9 a little bit about how -- I think some people in
10 the audience know a little bit because they have
11 seen us, Kristin, some of the team might have
12 been in to see you at your homes or businesses.
13 But RES Americas, we are part of a
14 hundred-and-forty-five-year-old family-owned
15 construction company, started building aqueducts
16 and railroads in Ireland, Scotland, about a
17 hundred and forty-five years ago, still owned by
18 the family, fourth generation of family
19 leadership. In the '80's started a company
20 called Renewable Energy Systems focused on
21 renewable energy. In 1997 they started RES
22 Americas, and since then we've been the leading
23 developer and constructor of renewable energy

1 projects here in the U.S. We've built over eight
2 thousand megawatts of projects, to put this in
3 perspective, and this is a project here that's
4 going to be in the range of eighty to a hundred
5 megawatts, so it's a pretty -- pretty large
6 number completing over eight thousand. We've
7 built about ten to twelve percent of the
8 operating wind in the country when you look at it
9 at that scale. We do projects that we both
10 develop and construct, which is -- this is a
11 project like that, but we also build projects for
12 a lot of the other leading developers in
13 utilities.

14 So a little bit about our team. As I
15 mentioned before, I'm familiar with this project
16 probably since 2008 when it was -- when our
17 company as Noble first came up with it, and since
18 then I've been a few different places, always
19 focused on renewable energy. Now my roles and
20 responsibilities are basically to focus on the
21 development efforts for places here in the
22 northeast, and with me is Mark Lyons who is the
23 project manager on this particular project. Mark

1 and I have also worked at Noble together. We
2 worked together for the last eleven years, have
3 built a number of wind projects, and now it's
4 other technologies like solar and energy storage.

5 Also as part of the RES team with us is Sean
6 Flannery who leads our permitting efforts for
7 RES. Sean is in the Minneapolis office and
8 supports all of the efforts for permitting in the
9 northern U.S. Also from RES is Aaron Lowe.

10 Aaron represents our pre-construction team and is
11 helping us make sure we have all of the right
12 things in place as we go through the next steps
13 and into construction. And then from our legal
14 counsel for the project is Mark Sweeney. Mark's
15 also familiar with the project. He's been with
16 the project as special counsel since its
17 inception back in 2008. And then our land agent,
18 Kristin McCarthy who I think many of you know
19 also was with us back in the day at Noble
20 Environmental Power and is our local land agent
21 here. And then from ecology and environment is
22 Mike Morgante as the project manager on the
23 environmental aspects. His team is responsible

1 for basically everything you're looking at in
2 front of you, making sure that we follow the law
3 that Dan mentioned before, and get all of the
4 appropriate studies complete and into the
5 document, and he's also been along with the
6 project since 2008.

7 So as I mentioned, this is something that
8 the team feels very strongly about, where we are
9 happy to be continuing the project along. We
10 hope to bring a successful wind project here to
11 the town for your benefit and the benefit of --
12 of our environment.

13 I think at this point I'll turn it over to
14 Mike to kind of walk a little bit through the
15 project. It's a -- originally it was a fifty-one
16 turbine project. We've reduced the number of
17 turbines due to upgrades of technology. We were
18 talking about a thirty-six turbine project, now
19 twenty-eight turbines would be in the Town of
20 Villenova with eight turbines being in the Town
21 of Hanover. There's a substation and a
22 transmission line that brings us through the Town
23 of Hanover up to the transmission lines that run

1 through the area, just so they kind of parallel
2 the I-90 corridor. And really that's the
3 project, but I'll let Mike kind of get into the
4 details.

5 MIKE MORGANTE: Thank you, Dan. So 2008 may not seem
6 like it's all that long ago, but think of your
7 phone, your car, your computers. Things have
8 changed a little bit. So if you're going to do
9 an EIS, there was a draft EIS back from Noble,
10 the original applicant in 2008 that's about wind
11 turbines and construction and everything else
12 that's building a wind energy project. It was
13 advanced. It has advanced quite a bit. That's
14 one of the things that as Dan Spitzer explained,
15 you needed to do a supplemental environmental
16 impact statement updating what has changed, what
17 conditions have changed from that original draft
18 EIS that was accepted -- accepted by the towns,
19 and things outside of technology changed as well.
20 The environment changes in a number of different
21 ways, so what the town board had asked the
22 applicants and RES to do was to provide a
23 supplemental environmental impact statement

1 addressing about ten different topics
2 specifically to see what has changed over the
3 last few years with those topics, and then also
4 to update it for the newer technology.

5 You have a -- as Dan just mentioned, you
6 have fewer turbines because technology has gotten
7 advanced so that each turbine can generate more
8 power. This makes them taller. It lets you have
9 fewer of them, unless you have a smaller
10 footprint than you did in 2008. All of these
11 different things affect many of the resource
12 areas that were evaluated in the original draft
13 EIS.

14 So what RES tasked ecology and environment
15 and several others on the team is to go ahead and
16 update these areas and provide the supplemental
17 environmental impact statement, so comprehensive
18 studies were done for what was needed to gather
19 that and to look at -- you know, assess what the
20 potential impacts are from this current layout
21 and plan of a wind energy project.

22 One other thing that changed, as we do have
23 a different company involved and they do things a

1 little different way, and in particular they have
2 some of their own standards and setbacks and some
3 of the previous applicants had a little bit less,
4 and RES actually has a more conservative approach
5 to that, so these things need to be taken into
6 account in terms of -- in terms of the analysis.

7 No, I'm not going to go over the entire
8 supplemental SEIS. We do want people to get home
9 tonight. I'm going to generally go through a
10 summary of the ten different topics here briefly
11 that are also behind me that you can see after if
12 you want to stick around and look at that. So
13 there are different resource areas. Again, there
14 are about ten topics. I'm going to highlight a
15 few of them.

16 You know one of them is land use and
17 biological resources, you know, update any
18 impacts on land use, vegetative communities,
19 wildlife and specifically threatened and
20 endangered species, including bald and golden
21 eagles. So give bald eagles a few years around
22 here. With the great success you're having
23 you'll have more of them.

1 So one of the things they have done is
2 checking with the wildlife agencies, getting a
3 better handle on the local bald eagle community.
4 There were additional surveys done specifically
5 looking for bald eagle use throughout the project
6 area. There were also breeding surveys done,
7 some concern with bats on a number of fronts with
8 white noise syndrome decimating their populations
9 across New York State and elsewhere. Some
10 additional studies were done in the project areas
11 since the original draft EIS so this information
12 was taken -- it's included in the supplemental
13 EIS in full detail and an updated look at what
14 the existing conditions and elevating those
15 potential impacts may be.

16 Other areas, visual resources, perhaps, you
17 know, for many what may be the biggest impact.
18 The biggest change in the community is you're
19 seeing them for -- once it's built, so we did
20 bring a couple of examples here. There is a full
21 update visual resource assembly that was
22 completed for the current proposed project that
23 you can see in the EIS. We brought a couple

1 diagrams here with the top row being existing
2 conditions photographs, and then the bottom row
3 being what it would look like in actual
4 conditions if the proposed turbine was in its
5 place, so obviously there are -- this is only
6 three sets of photos -- represented photos.

7 There are many, many more that were completed as
8 part of the visual resource assessment, so these
9 are -- again, visual resources is a big area.

10 Sound is another one of the topics that the
11 town wanted the applicant to go over and refresh,
12 so a new sound level report was constructed with
13 changes based on, you know, the technology, the
14 fewer turbines. And like I said, you know, that
15 affects -- even in turbine models affects what
16 the sound is assessed, was so that was updated
17 and is included in the supplemental EIS.

18 Wetlands is an area that RES had Fisher
19 Associates get out and start doing wetland
20 delineations for the updated layout and
21 footprint. Wetland delineations cannot take
22 place year-round, so as far as -- as far as they
23 got into the fall within the acceptable seasons

1 for the wildlife agencies we worked with, that
2 data and previous data, and once April comes
3 around I believe is the start date they will
4 finish off the delineations. And the plan is for
5 all that information to be included in the final
6 EIS to update wetland conditions. Those things
7 change over time as well, so that was initiated
8 and will be completed soon in 2016.

9 Those were sort of the big four topics I
10 wanted to highlight. Some of the other areas
11 were soils and, you know, what type of impacts or
12 changes might there be with the new layout or,
13 you know, farmable land and any other changes in
14 land use of the community. And similar to
15 wetlands with water resources and seeing what the
16 new layout has in terms of impacts for
17 groundwater, for surface water, for stream
18 crossings and stream delineations, those were
19 associated with the wetland delineations mostly
20 completed this fall but will be completed in the
21 spring for the rest of -- for everything that
22 wasn't initially captured.

23 And then communications. You know, tall

1 structures such as the turbines could potentially
2 interfere with communications such as AM/FM and
3 microwave networks and television signals, you
4 know. An updated study was done to look at that,
5 and those results are included in the
6 environmental impact statement and cultural
7 resources.

8 While this has changed a little bit through
9 the years, the project boundary has pretty much
10 stayed the same, so the layout and proposed
11 locations of where the different turbines are
12 changed a little bit through the years and fewer
13 of them in terms of cultural resources and
14 architectural and archeology surveys, a lot of
15 the footwork really had already been done because
16 it's been the project boundaries, so that was
17 updated for current conditions. These reports
18 are included in the supplement and a cumulative
19 impact.

20 So as far as part of the environmental
21 impact statement, you need to look and evaluate
22 the potential impacts of your own projects, but
23 then you also need to look at the other projects

1 that are in the vicinity. In 2008 the other
2 proposed projects are very different than what
3 they are now, so that was -- cumulative impact
4 analysis was changed to represent the Ball Hill
5 project in addition to the Arkwright Summit
6 project and the Cassadaga project, so that was
7 pretty much an update.

8 So I just took several minutes of your time
9 to summarize a document that if printed out is
10 about that big and many pages for you to view
11 online with the supplemental EIS. It's just a
12 summary. It's certainly not even close to all
13 the details. That is representative of the
14 different topics and analyses that were done that
15 went into the supplement and more so that the ten
16 or so items and resource areas that the town
17 board asked the applicant to review specifically
18 for the supplement were completed, which they
19 were.

20 So I'm going to turn it back over to Dan.

21 DAN BOYD: Many of you are here -- you got notice or
22 saw it in the paper or whatnot, but the document
23 that Mike is talking about, you know, the

1 summary, as he said it here some of the excerpts,
2 but the whole document is available online at
3 Ball Hill Wind dot com and is also searchable, so
4 you can download and review and receive any of
5 those -- review those and also at town hall.

6 Okay.

7 DANIEL SPITZER: Thank you very much. Okay. Now
8 comes your turn. So what I'd like -- as I said,
9 if you would stand up, talk loudly so the
10 stenographer can hear you, say your name and your
11 address. And we're ready. Who would like to go
12 first?

13 TINA GRAZIANO: I don't have a lot of questions but I
14 have a letter.

15 DANIEL SPITZER: If you'd like you can ask questions,
16 or if you want you can submit the letter to the
17 stenographer -- to myself. We'll give a copy to
18 the stenographer and any questions that are in
19 the letter will be answered. The letter becomes
20 part of the record.

21 TINA GRAZIANO: I'd rather read it.

22 DANIEL SPITZER: Please.

23 TINA GRAZIANO: Good evening. Tina G-R-A-Z-I-A-N-O.

1 And a lot of you here -- I know this is not even
2 close to the total number of people that live in
3 Villenova. A lot of people I'm sure didn't even SDEIS-0015-1
4 know this was available online or anything like
5 that. That's kind of an issue I have right now.
6 I would like to request another public hearing
7 and have the deadline for written comments
8 extended until after the next public hearing.
9 The reason for this request is a lack of
10 notification to the residents of this township.
11 Town law states it only requires to place a legal
12 notice in a local paper. Well, very few here
13 received this paper, and even so, who looks in
14 the legal notices? It all appears when you do it
15 to be sneaky and private.

16 Last meeting Angelo stated that -- we all
17 stated that we need to get this info out to all
18 the residents. I suggested letters with the
19 proper time and place, and maybe even a
20 postage-paid survey included with a mail-by date
21 before the next public hearing. Everyone has an
22 address and mailbox. This way every resident
23 will be properly included. I would take up Gary

1 Park's invite for the Southgate Fire Hall to meet
2 at. It's large and available for all with plenty
3 of parking. Every resident needs the opportunity
4 to voice their feelings and questions.

5 Please do not divide this community. My
6 husband, son, and I moved to property on the
7 Wentworth Road in 1992. I lived in Arkwright and
8 Villanova for the majority of my life. We wanted
9 to build here and stay here. This spot was
10 picked for the beautiful view of the hills and
11 the skyline. We moved our mobile home up here
12 and made plans to build behind it. In the late
13 '90's we began. We staked out the basement --
14 excuse me -- just right for the awesome view and
15 designed and drew out our plans and the two of us
16 built our home.

17 We finished it in 2001. From the front
18 steps we can see Arkwright to Round Top to North
19 Hill to Ball Hill and on, and guess where the
20 turbines are going according to the map of the
21 project -- which was also online that tells you
22 what you can see, we will see over twenty-five.
23 Our beautiful view will be full of steel. I had

SDEIS-0015-2

1 no idea this would ever happen. I always thought
2 we would preserve our wonderful landscape. It's
3 what we're known for here. That's why we are
4 here and that's why we are living here. If we
5 wanted a man-made skyline we would live in a
6 city.

7 Not only will we constantly have this in our
8 face, I have to observe every turbine killing and
9 maiming our wildlife. I counted twenty-two
10 turbines all around wet spots. What are you
11 thinking? There's nothing on these turbines
12 about the bats. They will get a permit to allow
13 them to cover the eagle kill. Just look up
14 sometime and notice all the bird activity we
15 enjoy. Our eagles are here, the herons, hawks,
16 ducks, geese and songbirds will be executed or
17 injured daily. Birds that get too close will
18 have their lungs ruptured. This is disgusting, a
19 cruel waste for nothing gained. Cuomo is going
20 to hand out a hundred and seventy-five million
21 dollars for five New York State projects with
22 Ball Hill listed as the largest bill. That's all
23 money from us. You can find it right on your

SDEIS-0015-2
Continued

SDEIS-0015-3

SDEIS-0015-4

SDEIS-0015-5

1 electric bill.

2 But why hurry now? There is a new design
3 for a bladeless turbine coming out soon, no
4 blades. It is said it's cheaper and easier to
5 maintain with less moving parts, bird friendly,
6 and easier on the landscape.

7 Right now the proposed turbines hold about a
8 hundred gallons of oil, just an environmental
9 hazard waiting. We can wait and see how everyone
10 handles Arkwright's project. Let them be a
11 sacred cow. Once you have them in your face you
12 might change your mind.

13 Thank you.

14 DANIEL SPITZER: Thank you. Who would like to go
15 next?

16 GREG SNOW: Over here.

17 DANIEL SPITZER: You can come up or stand up.

18 GREG SNOW: I heard her comment on notification and
19 at the second meeting. I have to agree with
20 that. Most of my neighbors I've spoken to
21 received no notification, had no idea that this
22 meeting was happening or that this project was
23 even a thing. I believe we should have another

1 meeting with proper notification for all other
2 residents of the town.

3 DANIEL SPITZER: Next?

4 ANGELA HUGHES: Angela Hughes, 1141 Cassadaga-Hamlet
5 Road.

6 And a couple of things. First of all, I'm
7 retired military. I've traveled all over the
8 world and they've had -- for many, many years
9 overseas we have had them, and I have nothing but
10 good things to say about them.

11 Number one, if you're talking about -- I
12 mean, it's cleaner than any other energy you can
13 use. I really totally believe that with my whole
14 heart. And if the birds are that darn stupid --
15 I don't know. I mean, I'm not trying to be
16 funny, but there's not that many birds killed
17 compared to the, you know, environmental issue on
18 it.

19 And plus I'm saying I was down in North
20 Carolina and I heard about this meeting and I
21 know -- I seen it as well online because I was
22 keeping up with this, so if I'm coming from North
23 Carolina, so I have the other aspect. You could

1 be right in what you're saying, but my issue is
2 is that if I heard it from North Carolina, why
3 didn't the other people hear it? Just a thought.
4 So -- but anyways, I'm for it and I can't see
5 nothing but good things.

6 Number one, I believe, and I may not be
7 speaking right, but it's going to help us with
8 our taxes. It's going to help us with our
9 historic properties here, and we've got to admit
10 this town is really going down and it needs some
11 help and everyone could use some tax money here.
12 If there's anyone here that can't use help with
13 their tax money, raise your hand. Okay. We need
14 help. We need help --

15 MEETING ATTENDEE: That ain't gonna help us with our
16 taxes.

17 DANIEL SPITZER: We really need to go one at a time
18 so everyone can get their name on, everybody.

19 Not really a debate. Thank you.

20 ANGELA HUGHES: So I'm just for it. I am. And like
21 I said, I can't stress enough, I was all the way
22 down in North Carolina and I heard about the
23 meeting, so -- and I have coffee and tea and

1 drinks and some snacks over at my house if
2 anybody wants after, so --

3 DANIEL SPITZER: Thank you.

4 ANGELA HUGHES: Thanks.

5 DANIEL SPITZER: Who would like to go next? Yes,
6 sir?

7 RICHARD HAGEL: In relation to the what people in --

8 DANIEL SPITZER: Sir, would you tell us your name and
9 address?

10 RICHARD HAGEL: Main Street, South Dayton, New York,
11 14138.

12 DANIEL SPITZER: Thank you, sir.

13 RICHARD HAGEL: If she got it online there's a whole
14 bunch of us old timers that don't even have a
15 computer, so that puts us right out of that
16 equation right there. I'm for it, by the way,
17 but if it takes a computer to find out there's a
18 meeting, there's a whole bunch of old farts like
19 me that don't have a computer.

20 DANIEL SPITZER: Next? Who would like to go next? I
21 can't believe that's everybody. Okay.

22 HOWARD CROWELL: Howard Crowell, C-R-O-W-E-L-L. I
23 was on the town board here back in 2008 the when

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1 this proposal was first brought to us, and I
2 think after this many years if the community
3 didn't know whether there was going be windmills
4 here had their head in a hole somewhere, but I'm
5 surprised there's this much opposition at all. I
6 hadn't heard of any opposition across the
7 townspeople that I talked to. And as far as --
8 as far as the Burke Hill, they talked about that
9 before. I remember reading one of the Burke Hill
10 studies back then and the list of priority on
11 what killed the birds, the automobile and the
12 birds of prey, and the last thing the front of
13 your house and all that stuff right down through
14 there, your neighborhood kid with a BB gun, you
15 get down about ten, twelfth place, about one or
16 two percent of your bird kills that's where the
17 windmills is. There's stuff killing birds long
18 before any windmills kill birds. And if you look
19 at something -- you're talking about maybe afraid
20 they're going to ruin their view, as far as I
21 understand, I think they are beautiful. I got
22 pictures of the sunrise on my cell phone with the
23 background and the windmills and I think they are

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1 beautiful.

2 ANGELA HUGHES: They are.

3 DANIEL SPITZER: I need people to not comment on the
4 other people's comments.

5 RICHARD CROWELL: I think this is something the town
6 could use. They need this money to do some work
7 for the buildings and our roads, get them up to
8 where they ought to be. And we had a gentleman
9 there back in 2008, he was -- I can't remember
10 his name, but he was the supervisor in the Town
11 of Eagle. He came up and talked to us on the
12 town board at that time and he was talking about
13 how it helped them drop their tax rate to almost
14 nothing and with all the extra money they could
15 spend on the buildings and roads and stuff, and I
16 think we could use it up here and we've needed it
17 for a long time.

18 DANIEL SPITZER: Who would like to go next?

19 CHARLIE BRECHT: Charlie B-R-E-C-H-T, 9709 Round Top
20 Road.

21 Some of these turbines are going to be down
22 the road from us. Greg Snow told us Sunday --
23 you know, we get the paper. We've been up there

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1 for a little over twelve years, you know. We
2 knew about it in 2008, but we had no notification
3 of this meeting at all tonight. So you know, we
4 have a small piece of property. We only have
5 five acres, but if it wouldn't have been for him
6 we wouldn't be here. And I'm not saying for or
7 against or anything like that, but I agree that
8 the notification should go out to everybody
9 that's -- that has to do with this project.
10 That's it. Thank you.

11 DANIEL SPITZER: Next? Mark Lyons, do you want to
12 say something?

13 MARK LYONS: I just want to confirm we're going to
14 respond to every question and comment that's made
15 here tonight, but I just wanted to clarify that
16 with regard to notice, we did what we were
17 required to do under the State Environmental
18 Quality Act, but we also sent notice to about two
19 hundred and eighty additional homes, landowners
20 around the site. Now, it's not a perfect world.
21 We may have missed some people. Obviously people
22 are here tonight. Somehow they got notice. But
23 I just wanted to assure everyone that there will

1 be another public hearing in this process. There
2 will be another public hearing when we finalize
3 our amendment application, our application
4 amendment when this environmental process is
5 completed in about three or four months' time.
6 So we're going to take all the input, continue
7 our studies, finalize the environmental impact
8 statement, and then go back to the towns, file
9 whatever amendments we need to to comply with the
10 town law at that point and reflect all these
11 changes and there will be another public hearing.

12 DANIEL SPITZER: And I can confirm on account of the
13 town there's going to be not only one here, but
14 one now for the same purpose -- so really my
15 knowledge of the law, at least there will be two
16 more public hearings and we can certainly
17 recommend to the town board maybe two hundred
18 eighty homes wasn't enough, maybe recommend that
19 there be a notice sent to the assessment roll.

20 And by the way make, sure the addresses are
21 right on the roll because by state law it goes to
22 the address on the assessment roll, but that's
23 something the town board can consider too in

1 terms of the notification of the next few months
2 as they are working with the applicant in terms
3 of the form of notice. But Mark is correct,
4 there is going to be at least another hearing and
5 the town board I think is certainly concerned
6 about making sure there is full notice.

7 Next question or comment?

8 CLIFF RUMSEY: Cliff Rumsey, 1593 Cassadaga Road in
9 Forrestville.

10 We hear a lot about the things where they
11 are supposed to help townships and county -- I
12 don't know if anybody has really done any
13 homework. In the Pike area you see a lot of them
14 up there. How much has it affected their area?
15 Have their taxes been -- do they have a reduction
16 in their taxes up there or is it just the
17 landowners that made money or what is it?
18 There's a lot to this.

19 Myself personally, I can remember the Pike
20 area when they didn't have any and it doesn't
21 look too pretty up there no more, so -- and
22 there's a lot of them there. And we're going to
23 have the same thing here, but the benefit to them

1 is that it's -- it's gonna help the township a
2 lot I could understand, but what from I've read
3 about these I don't think so.

4 DANIEL SPITZER: So let me ask you a question
5 generally. In terms of any funding that the town
6 receives it's up to the town board to decide how
7 to use that funding, and therefore the community
8 could never promise you -- or, the current town
9 board couldn't promise you that your taxes would
10 definitely go down because it's up to the current
11 town board if they receive any funds and future
12 town boards how to receive the money. I am very
13 familiar with the projects. On Wyoming I worked
14 on all of them except the Eagle project and I
15 worked on the second part of the Eagle project.
16 Every one of those towns has no or very little
17 taxes. Each of those towns decided to use the
18 money first to reduce the taxes from the town,
19 the town share of the taxes. In Weathersfield I
20 think in addition you wrote a half a million
21 dollar check at the end of the project to the
22 town that they used to improve the roads. Every
23 one of the communities -- you can go to them or

1 contact the elected officials. Every one of
2 these communities reduced the taxes. Every one
3 of those communities has improved its roads,
4 every one of those communities has used them to
5 improve historical sites. That's part of the
6 requirement for any of these projects in New York
7 that they work with SHPO to restore historical
8 improvement.

9 The Arkwright project has -- expects its
10 budget. The town board has initially indicated
11 they intend to use the money they are going to
12 receive if the project is built starting in 2018
13 to reduce taxes. They are expecting their levy
14 to be reduced by three hundred twenty thousand
15 dollars, so that's the benefit that would be
16 spread across their town. And I don't know what
17 their total levy is so I don't know what the
18 percentage is. I can tell you the first projects
19 I worked on with Mr. Lyons with Noble, Clinton,
20 Altona, Ellenburg, and then Chautauqua, and not a
21 single one of these towns has a local tax
22 anymore. Every one of these used it to wipe out
23 the local taxes.

1 If you go to the Tug Hill area you'll find
2 about twenty dairy farms that are still operating
3 because of the revenues from that project, which
4 doesn't involve any of these applicants. If you
5 go to the Clinton area probably about forty dairy
6 farms that are still operating as a result of the
7 Noble projects and that's on the second half that
8 you mentioned, the land owners getting a benefit.
9 So there's no -- the financial benefits have been
10 pretty well documented now because we've had wind
11 farms going back to the one in Madison County
12 about ten, eleven years now, and the actual
13 benefit to the communities are something that you
14 can find out about and they are pretty well
15 documented that the communities have benefitted.

16 CLIFF RUMSEY: That's what I would like to know,
17 because, you know, everyone can say what it is,
18 but this has already been done in other
19 communities and that's what we should know, not
20 if -- I mean, what really happened happens, you
21 know. That's all I got to say.

22 DANIEL SPITZER: Who would like to go next?

23 LISA BRAIN: Lisa Brain, B-R-A-I-N, 8994 North Hill

1 Road, South Dayton.

2 I'm kind of like in the middle, I guess.

3 Like you know, yes and no. I think it's just
4 more information and more learning about this.

5 Yes, I agree the global everything, but as far as
6 yeah, they do look beautiful but not in my back
7 yard. Maybe in the far distance.

8 I'm concerned very much about the noise
9 because from my house on that map I think there
10 is twenty-eight, and I think four of them are
11 literally going to be wrapped around my property.

12 The money issue, the town could benefit.
13 Great. I'm for that. Like there's a lot of
14 things I'm for, but you're talking a windmill is
15 that is two hundred fifty foot by twenty-five
16 foot per wing, is that what we're talking about,
17 the real big ones?

18 MARK LYONS: Yes.

19 LISA BRAIN: And five hundred feet tall. But the
20 wing span itself, okay, and then so that's kind
21 of major, I think, in my back yard. And then the
22 post just being -- if it's here you're talking --
23 okay. So that's kind of a huge thing, you know,

1 just to have in your back yard.

2 DANIEL SPITZER: Would it help you to have one of the
3 RES folks describe the wind tower, and then you
4 can begin your questions?

5 LISA BRAIN: Yes, but I have a couple more questions,
6 maybe if you want to answer all at the same time.

7 DANIEL SPITZER: We weren't going to cut you off.

8 LISA BRAIN: I have done reading and research because
9 it is important to me, something with the sun
10 reflecting on it like a strobe-type lighting
11 reflection.

12 DANIEL SPITZER: Shadow flicker, it's called.

13 LISA BRAIN: I have two people that have epilepsy in
14 my house and worry about them.

15 DANIEL SPITZER: There's been many studies shown that
16 shadow flicker doesn't move fast enough all over
17 the world to cause epileptic seizures. It was
18 studied in Germany where they are -- in terms of
19 where they are in the earth it's a much greater
20 problem in terms of the wind farms. And that's
21 something -- shadow flicker, that's the kind of
22 question that they will provide a much more
23 formal and specific answer to within the SDEIS.

1 LISA BRAIN: Also like I said, the noise. I'm
2 worried about so many. Am I even going to be
3 able to hear the TV if I have my windows open in
4 the summer? What else did we have? The other
5 thing was -- I had a whole bunch of them in my
6 head and now --

7 DANIEL SPITZER: We can come back to you. As I
8 mentioned also, you have several weeks to put
9 them in writing.

10 LISA BRAIN: Also, we were never notified of this
11 meeting. I only know about this going on because
12 my neighbor who I work with, he's getting one on
13 his property and so he was informing me of stuff
14 as we went along. But no, I never received a
15 letter or anything. And as everyone knows,
16 computer service, Internet where we live is like
17 near to impossible, so putting it on the Internet
18 is not going to do nothing.

19 DANIEL SPITZER: Thank you. Who else would like to
20 talk?

21 JUDY PHILLIPS: My name is Judy Phillips,
22 P-H-I-L-L-I-P-S, 9850 Silver Creek, South Dayton
23 Road in Forrestville, New York, 14016.

1 I have been a thirty-three-year-resident
2 here and I am sixth generation of my family to
3 reside in Villenova. I was involved -- my family
4 was involved with this project back in 2008.
5 I've had a long time to look at all sides of
6 this. I've also read the entire binder. I do
7 not see a picture up here of the photo
8 simulations of Route 93, the photo simulations
9 that were taken from up on top of Flipper Hill.

10 I have a question for this company, because
11 we were once landowners that were approached back
12 in 2008 for leasing. Our family discussed this
13 project when it fell through with Noble. I
14 wasn't aware of it, but when I tried to reach
15 representatives, because our family had more
16 questions, we weren't able to. Has this company
17 ever had a project where subcontractors put liens
18 on landowners' properties?

19 MARK LYONS: I --

20 DANIEL SPITZER: I think they're going to have to go
21 back to their company to get you a full answer.

22 JUDY PHILLIPS: Well, can it be done?

23 DANIEL SPITZER: I can tell you there was a company

1 in the area around Weathersfield that had some
2 liens put on, and they weren't put on the
3 farmers' lands. They were put on the towers and
4 the towers are all given their own property
5 number because the taxes are handled by the wind
6 companies. I don't know how these folks are
7 going to do it. I'm telling you how it's done in
8 New York State. So the lien has to go over the
9 tower because if it has to go on the farmer's
10 property the farmer doesn't owe money, so it's
11 not doing the contractor any good. So the
12 liens -- and as I said, I've dealt with this
13 specifically for a number of companies. I
14 represented a company that brought some of these
15 liens. Liens go on the towers. The towers are
16 separate property from the underlying land.

17 JUDY PHILLIPS: Okay. So that is the answer to that
18 as far as --

19 DANIEL SPITZER: In terms of how it works in New
20 York, I think they are going have to have gone
21 back to their company and answer it because this
22 is a big company. The folks can't --

23 JUDY PHILLIPS: That was one thing back when we were

1 approached in '08 that we never ever would have
2 thought that as participants in a project that
3 there could be the possibility of liens put on
4 the property if there was disputes between
5 subcontractors or owners, wind companies, so I'd
6 like that answered.

7 DANIEL SPITZER: And the thing I want to mention too
8 about liens in New York, anyone can file a lien.
9 It doesn't make it legal. I represent the Town
10 of Grand Island. We got in the mail today a
11 building that we lease and I wrote a letter this
12 afternoon, thank you for the letter about the
13 lien, it's null and void, we don't own the
14 building and there's no public funds involved.
15 You can't lien public property anyway, only
16 public funds, so people -- anyone with basic
17 filing can file a lien. It doesn't mean it's a
18 valid lien.

19 And I can tell you in New York the way these
20 are set up, it would never be a valid lien
21 against the underlying lessee where that comes a
22 lot is not with the wind farms. Where I deal
23 with it a lot in my practice, I deal with the

1 telecom towers, because the telecom towers may
2 change hands a lot. Sometimes they don't pay the
3 rent. Sometimes they don't pay the contractors.
4 Sometimes there is disputes with telecom on
5 there, so there's a lot of stuff that's going on
6 with those. And the liens are never against the
7 farmers. Farmers aren't the ones who owe the
8 money.

9 JUDY PHILLIPS: But they are considered participants
10 in the project, the construction of -- during the
11 production.

12 DANIEL SPITZER: That doesn't make them legally
13 liable for anything that goes on on the project.
14 So worst case example, somebody is hurt during a
15 project, the property owner has no liability, in
16 fact, is completely exemplified. Doesn't matter
17 what kind of company you're talking about or what
18 kind of project you're talking about.

19 JUDY PHILLIPS: I would like RES Americas to --

20 DANIEL SPITZER: If you want to answer that.

21 MARK SWEENEY: I would. My name is Mark Sweeney.

22 I'm the attorney representing RES. And Dan is
23 accurate with towers and things of that nature.

1 The lien would go on that property. There is no
2 underlying dispute or money owned between the
3 landowner and subcontractor, for example, so no
4 link. It doesn't necessarily stop somebody from
5 incorrectly filing something. That can happen.
6 However, if that does happen, there's no way for
7 them to enforce it and it could be -- if it had
8 to be removed it could easily be removed, so it's
9 -- again, it's -- you can stop a third-party from
10 doing something that isn't correct but there's no
11 -- nothing that's going to happen in the
12 construction that is going to make a link that
13 would enable them to lien your property.

14 JUDY PHILLIPS: Okay.

15 MARK SWEENEY: Okay.

16 DANIEL SPITZER: Who would like to go next? Yes,
17 sir?

18 DON CHASE: Don Chase. 307 Route 322, South Dayton,
19 14138.

20 If shadow flicker is not covered under the
21 SDEIS, what is covered under it?

22 DANIEL SPITZER: It is covered under the DEIS.

23 There's a specific recommendation in the DEIS.

1 They did a study and one of the things they
2 updated was a shadow flicker study to reflect the
3 change in turbines, so there is a specific shadow
4 flicker study and an estimate of -- usually the
5 way it works is you estimate the amount of hours
6 any particular resident would be exposed,
7 correct?

8 DAN BOYD: Yes.

9 DANIEL SPITZER: That is in there.

10 DON CHASE: What about vacant land you were planning
11 to develop?

12 DANIEL SPITZER: I think if you asked them
13 specifically a particular property they should be
14 able to tell you what the impact was, but if you
15 look at the study I think you can tell.

16 MARK LYONS: Excuse me, but there's a map in the DEIS
17 that shows the area that would have various
18 numbers of hours of shadow flicker, whether it's
19 vacant or not. And as Dan said, if you want us
20 -- if you want some more specific information
21 we're happy to get that to you.

22 DON CHASE: Yes, I believe with the additional five
23 hundred feet added on my wife's property that

1 would be impacted with a shadow flicker.

2 DANIEL SPITZER: You mean the height of the tower?

3 DON CHASE: Yes.

4 DANIEL SPITZER: It's not five hundred feet higher,
5 it's seventy feet higher than it was originally.

6 DON CHASE: Now the top of the thing is at four
7 ninety-five and the total is four ninety-five
8 where previously it was four twenty?

9 MARK SWEENEY: Just under four hundred.

10 DANIEL SPITZER: So it's an additional hundred feet.

11 MARK SWEENEY: And we've set them back an -- they set
12 them back an additional six hundred forty feet
13 which obviously also reduces the shadow flicker,
14 the distance the shadow flicker is visible from.
15 But if you have any specific questions, if you
16 can figure them out through the map -- the map,
17 get in touch with me or the company and we'll get
18 you a very specific answer about your particular
19 property or anyone else's particular property.

20 DON CHASE: Thank you.

21 RICHARD HAGEL: Richard. I gave you my name and
22 address before.

23 This power that the wind turbines generate,

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1 where will it be sold to? Who will this power
2 to?

3 DANIEL SPITZER: Do you know yet?

4 MARK LYONS: We don't have a contractual buyer for
5 the power yet. We are seeking one in the
6 wholesale market. But electrically, what happens
7 when you generate power at this voltage, it goes
8 into the grid and the electrons basically flow to
9 where they are needed on the grid, so there's no
10 guarantee that an electron from this windmill
11 will stay in this community. That's not the way
12 the grid works. We all share in the grid. We
13 will benefit from the grid.

14 RICHARD HAGEL: I was just hoping it would stay in
15 New York State, but apparently you don't have any
16 idea.

17 MARK LYONS: We don't. I mean, in order to
18 accurately answer that question you need to do a
19 load flow study to figure out at any given point
20 in time based on the balance of the grid where
21 that electricity is likely to be used. Some may
22 end up going to Pennsylvania, I don't know, but I
23 think by and large it will stay in the New York

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1 State grid.

2 DANIEL SPITZER: I think the Arkwright folks didn't
3 enter in a contract to sell their energy until
4 two weeks ago, about the same time they got final
5 approvals, so the -- Arkwright just entered into
6 a deal with Bloomberg and the point that Mark's
7 making is very important. Bloomberg is buying
8 the energy. The way the grid works, you put
9 energy into the grid, you take it out. Even if
10 you're hundred miles away it's considered to be
11 the same. It's not necessarily the same exact
12 electrons. So Bloomberg doesn't have any
13 facilities in Western New York. The facilities
14 are in New York City, but they are buying power
15 from a Western New York wind farm. Does that
16 help?

17 RICHARD HAGEL: I hope so.

18 MARK LYONS: It's like a big pool. You put some
19 water in one end of the pool and you take it out
20 of the other. It's not necessarily the same
21 drop.

22 RICHARD HAGEL: We have the best power project in the
23 country probably in Niagara Falls. What gets me

1 is a lot of that energy goes to Ohio, you know,
2 and it doesn't help our bills at all.

3 DANIEL SPITZER: So there's credit for these
4 electrons going to seven states, but it doesn't
5 necessarily mean that those electrons themselves
6 are actually even leaving the area. They go to
7 where they are needed at the closest. But you're
8 right, congress authorized that plan and congress
9 does as -- my law firm actually helped write the
10 Niagara Development Act. We represented all of
11 the people who got power from the Schoellkopf
12 plant that fell into the gorge that led to that
13 plant being built, and congress basically gave
14 that power from that plant to seven different
15 states because it's power generated by the water
16 that comes through the whole Great Lakes system,
17 and that was back in the '50's when they did
18 that. But that is correct. The law is that what
19 is created by the Robert Moses plant in Niagara
20 Falls is shared by numerous states.

21 Who else would like to speak? I see a
22 couple people. Go ahead, sir.

23 BARRY NOBLES: I'm Barry Nobles and I'm with my

1 sister here. I am the son of Hinkley Nobles.
2 And we just recently bought a small piece of
3 property that's adjacent to my father's property
4 up on Villenova Road from my dear Uncle Norris.

5 I would agree with the letter thing. We
6 only found out about it from hearing from my
7 parents. We never received a letter. A couple
8 of the concerns I think I would have, and I would
9 invite my sister to stand up and share any
10 concerns she has, is you know, what happens in
11 the long-term with these things when they get how
12 old and do they need to be shut down? Is there
13 some kind of bond that's put up that these will
14 be maintained?

15 DANIEL SPITZER: Yes, a bond that gives the town the
16 ability to remove them if the company doesn't.

17 BARRY NOBLES: Okay. Another thing is I'm from a
18 community that has a landfill and we have a host
19 agreement with the landfill and from the landfill
20 point of view management of that is very
21 important and the company that does that does a
22 very good job, but it's important for the
23 community to understand what goes into that. You

1 can see some of the benefits so that's a case
2 where that does work well. It's a tough thing.
3 I think it's really important when everybody can
4 get the information everybody can look at it and
5 get people that are willing to listen to that. I
6 think energy independence is very important. I
7 just try to push energy independence forward. We
8 don't have to send people to the Middle East to
9 try to get resources.

10 So I would open it up to my sister if she
11 has any other questions.

12 DAWN OSSONT: I have a question and this is very.

13 DANIEL SPITZER: Just your name was?

14 DAWN OSSONT: Dawn O-S-S-O-N-T. Question, with the
15 height of these turbines -- turbines, how close
16 can they be to houses or cabins or that kind of
17 -- any kind of structure? Are there
18 requirements? I did go through some of the
19 documentation online and I couldn't find that,
20 but I imagine it's probably in there somewhere.
21 So how close can they be?

22 I also noticed that the 2012 layout to this
23 proposed layout, there is some changes as to

1 where they were. Because of the taller turbines
2 will that -- does that change again? Because for
3 example, in 2012 there was one that was very,
4 very -- a hundred yards of my parents' property,
5 which is not on their property but very close to
6 it. In 2016 it isn't there. Once -- if this all
7 happens, are they going to move around, it's
8 suddenly going to appear again where it wasn't?
9 So --

10 MARK SWEENEY: Yes. I'll start with the last
11 question that you had. Yes, the project has
12 evolved and the development is continuing with
13 RES at this point. At some point changes may be
14 made to the project where turbines are going to
15 move, but it's unlikely at this point you're
16 going to have an entirely new location. It could
17 happen, but given the technology that's being
18 proposed in the SDEIS and the layout that we see
19 there may be slight changes to avoid wetland
20 impacts or other impacts of tech resources,
21 things of that nature, so everything would be to
22 reduce those impacts so it's unlikely to change.
23 And so that's step one.

1 Step two of your question was about
2 post-community agreements and payments to the
3 town, correct?

4 DAWN OSSONT: No.

5 DANIEL SPITZER: That was the last one.

6 MARK SWEENEY: All right. So this type of project is
7 appropriate for those types of agreements. I've
8 worked on many, many wind projects with all of
9 these people here and all of those projects have
10 used post-community agreements, road use
11 agreements, and in order to make sure that the
12 roads are taken care of and maintained and not --
13 if they are damaged during construction repaired,
14 and then restored at end of construction, also
15 post-community agreements. Then a pilot
16 agreement which is a payment which would go with
17 various jurisdictions, school districts, the
18 towns that are involved, so there's different
19 avenues for those as well.

20 And then your other question was about the
21 nature of the setbacks. In this case, the town
22 laws put a setback of about a thousand feet from
23 a residence. There's different -- five hundred

1 from the road, a residence has a different
2 setback. And in this instance RES proposes a
3 larger setback on its own projects that are more
4 conservative in their approach. They create a
5 five-hundred-meter setback, about sixteen hundred
6 feet, give or take. I'm not great with metric.
7 But so you're getting about a
8 six-hundred-foot-plus greater setback than what
9 was proposed in the 2008 or 2012. So that's what
10 that is.

11 DAN BOYD: And that's a lot of the reasons why the --
12 they have been in the area and are no longer in.
13 We're not able to put them in some areas because
14 there's a lot of houses.

15 MARK SWEENEY: Did I get all of all of the parts of
16 your question?

17 DAWN OSSONT: Is it different if it's a full-time
18 residential home versus a seasonal cabin?

19 DANIEL SPITZER: I think the way we wrote the town
20 law was that we excluded hunting cabins, but
21 anything that was being used as a residence is
22 governed by the setbacks.

23 MARK SWEENEY: Correct, that's my understanding as

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Continued

1 well.

2 DANIEL SPITZER: We're going back a ways. I think it
3 was 2007 we wrote the law.

4 DAWN OSSONT: So how would you define -- is a hunting
5 cabin then defined as -- I mean, no toilet or are
6 they --

7 DANIEL SPITZER: If someone uses it throughout the
8 year it's not a hunting cabin. Generally you
9 look for that at some point did it meet a
10 building code, something like that. And I -- but
11 generally that's the way most of the towns have
12 written the laws is that the hunting cabins,
13 because they don't know what they are or where
14 they are, is not -- are not covered, but
15 everything else is.

16 BARRY NOBLES: What was the answer to the long-term
17 shutdown twenty years from now and when
18 everything is rusty?

19 DANIEL SPITZER: So what the town is -- every town
20 across the state requires is what is called a
21 decommissioning bond. And the law requires when
22 they reach the end of the useful life or end of
23 the financial life the company must take them

SDEIS-0016-40

1 down, but if the town doesn't assume that the
2 company will do so. The law requires a bond that
3 is updated on a regular basis so that the town
4 can remove them at the company's expense if the
5 company doesn't. Did I -- do you see what I'm
6 saying? So the towers will not be there if they
7 are not operating.

8 DAWN OSSONT: So how long do they -- what is -- how
9 long do you expect them to be functional?

10 DAN BOYD: Useful life is twenty-five years, but it's
11 like anything. Your car, if you take care of it,
12 do the right maintenance, it operates much longer
13 than that.

14 LISA BRAIN: What about ice build-up on that? We
15 live in wintery stuff. How would that -- I know
16 you said you set them back so far, but like I
17 mean, that's like a big icicle heading your way,
18 I guess, for -- for what --

19 DAN BOYD: So yeah, that's obviously -- most places
20 where the wind blows -- blows enough to have a
21 wind farm it's cold and we get weather. The way
22 the turbine works, it's not a fan in your home
23 that pushes the air or gets caught by the air.

1 It's like an airplane. So if you go on an
2 airplane they de-ice your wings. If you have ice
3 build-up on the wing it's not the same
4 aerodynamic shape to create lift and lift the
5 plane off the ground. So if there's ice build-up
6 on the blade of the turbine it wouldn't be
7 spinning at the rate it's supposed to be for the
8 speed up there, and the systems in the turbine
9 know and they do not operate when there is ice
10 build-up on there, so they stay until that ice
11 sheds off of them, which is one of the main
12 reasons why you have them set back.

13 DANIEL SPITZER: Who would like to go next?

14 JUDY PHILLIPS: I actually have a statement with some
15 questions on it.

16 DANIEL SPITZER: Please.

17 JUDY PHILLIPS: Judy Phillips.

18 First of all, I'd like to say it's very
19 difficult for me to speak in public and so by
20 doing this I'm representing myself as having some
21 very strong beliefs. I have read the entire
22 binder. And as I stated before, I was aware of
23 the project in 2008 when it was Noble.

1 They talked in the winter a lot about
2 mitigating -- making things less destructive or
3 interfering. The one thing that cannot be
4 mitigated, in my opinion, is that I believe our
5 community's greatest asset and most valuable
6 resource is our picturesque landscape. It helps
7 define the self-image of our residents who choose
8 to inhabit. They choose it and it gives them a
9 sense of place to the change in seasons. It is a
10 dynamic backdrop to people's lives. I hope many
11 of our residents, tourists and hunters value the
12 aesthetic unadulterated view of our own scenic
13 rolling hills with some views as far as Lake
14 Erie. Building this industrial project would
15 exploit and ruin our landscape and irreplaceable
16 aesthetic. RES Americas is the company in charge
17 of constructing this project and will request
18 amendment of Villenova and Hanover's wind laws,
19 four hundred twenty feet limitation on maximum
20 turbine height increased to four hundred and
21 ninety-eight feet. The year-round visual impact
22 would be significant and cannot be mitigated due
23 to the introduction of thirty-six

1 five-hundred-foot turbines, the height of a
2 fifty-story building. The large area of our town
3 involved with the project, the ongoing movement
4 of a hundred and eight massive rotor blades and
5 the project's total seven-point-five-mile view.
6 Approval of this type of project could cause
7 community discord and division among neighbors,
8 as it has often been reported in other rural
9 communities.

10 There are people that have lived here all
11 their lives, recently moved here, built or
12 renovated their homes, own a summer home, pay
13 their mortgages or plan to sell their home within
14 twenty years. Their home may be the largest
15 lifetime investment towards their retirement.
16 The building of industrial wind turbines could
17 devalue the property. They will tell you that it
18 might not. Common sense dictates that given two
19 identical properties in a rural area, one that is
20 next to an industrial turbine versus one whose
21 view does not include such a facility is likely
22 considered more valuable.

23 The project will affect all of our

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Continued

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SDEIS-0015-45

1 residences in different ways, whether they
2 measure their property in feet or in acres. What
3 benefits some should not harm others. Infrasound
4 sound disturbances caused by air pressure
5 variances and shadow flicker generated by blade
6 rotation may cause negative health effects and
7 quality of life issues. These environmental
8 problems may be difficult to prove, but with
9 approval of this project these problems could
10 adversely affect our own community. Are you
11 willing to roll the dice?

12 An eagle nest is located less than a mile
13 from some of the proposed turbines. There are
14 four eagle nests involved. Though it is a
15 protected species, majestic bald eagles are
16 killed by rotating blades, and other birds and
17 bats.

18 It is upsetting to learn turbine blade
19 rotation can cause loss of my over-the-air TV
20 reception. That basically means that I use an
21 antenna to receive TV signals. I asked the board
22 to inquire and make public whether known weather
23 signals are also disrupted. Many people in

1 energy services in our community rely on doppler
2 for accurate rain and forecasting.

3 Am I correct in understanding Villenova does
4 not have a comprehensive plan but includes
5 decommissioning requirements in our local zoning
6 laws? Do we have a removal clause for
7 non-operation for a specific time so that
8 non-removal would then become a zoning
9 enforcement matter? If so, what does that
10 specify? The industrial projects are frequently
11 sold multiple times to different corporations.
12 After twenty years the town's decommissioning
13 agreement may not be signed with the current
14 owner of the industrial turbine facility. It
15 could prove difficult to impose the town's
16 agreement with a large corporation that may be
17 based overseas. Can there be re-evaluation,
18 replacement or re-powering of the turbines after
19 twenty years? Mr. Norton, Arkwright town
20 supervisor, made reference to Article 10 of the
21 public service law in his December 15, 2015
22 letter to The Observer. The Arkwright project
23 may be the last to generate the funding through

SDEIS-0015-49

1 host agreements associated with the local
 2 community. Do we have a host agreement and can
 3 it be still be implemented?

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 Continued

4 Serious financial issues have surfaced for
 5 the town hosting the aging -- which is the
 6 oldest, fifteen-year-old New York Madison wind
 7 farm and problems are also foreseeable in the
 8 near future for New York State's largest and now
 9 technology outdated Mapleridge wind turbine
 10 facility. And I have been there. I hope the
 11 board has researched problems in other rural
 12 communities due to wind turbine facilities.

SDEIS-0015-50

13 Some Villenova residents own seasonal homes,
 14 other residents are snowbirds. They are not in
 15 our community at this time of year and would be
 16 unaware of this project or unable to attend this
 17 meeting.

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18 Wind power is infinite. The power capacity
 19 could vary between zero to a hundred megawatts at
 20 any given time for a hundred megawatts. When
 21 needed wind power cannot be called on to increase
 22 the power generation and thereby continues to
 23 rely on power from the grid. Perhaps many of our

SDEIS-0015-52

1 questions and concerns we can answer for
2 ourselves by seeing what happens in Arkwright.

3 Thank you.

4 DANIEL SPITZER: Who would like to go next?

5 MICHAEL EMKE WALKER: I'm going to go this time.

6 Michael Emke Walker, I live on North Hill. I'm a
7 town worker. I also own a farm, a dairy -- I
8 hope to be a dairy farmer some day. And
9 nobody -- I hope nobody gets all pissed off
10 because I'm for it and it seems like a lot of
11 people are against it.

12 I believe there's a lot of questions that
13 need answering and I believe a lot of people are
14 scared. I have been up to the Tug Hill
15 snowmobiling. I've walked outside. I've
16 listened to them in the dark, didn't seem to
17 bother me anything. I thought it was kind of
18 cool. I drove around. I actually drove off the
19 snowmobile path because I'm looking at them
20 driving by because I think they're cool.

21 And I tell you guys, look at this. How many
22 people in here, residents, are in their thirties?
23 In their twenties? None? This town is dying.

SDEIS-0015-53

1 What reason is there for young people to even
2 come? There's nothing. My good friends from
3 Hanover laugh at me, hell, Villenova doesn't even
4 have a pop machine. I say it's true. What does
5 Villenova have? It's going downhill. There's
6 nothing here.

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7 And I don't know. There is some people that
8 are probably set with their money, but I am
9 trying to farm and taxes are going up every year
10 and I can't afford to keep paying them. That's
11 the reason I'm trying to farm, because I would
12 like to have a bigger chunk of land so I could
13 farm. I can't have a bigger chunk of land
14 because I can't afford the taxes on it. Right?

15 I mean, it makes sense to me. I mean, I
16 heard -- I'm not going to say any names, but at
17 the town board meeting I heard lets fire up the
18 old coal plant. Oh, yeah. Okay. You're all
19 worried about the birds and the environment but
20 you want to pump all that coal and dust and
21 everything into the atmosphere. It seems like
22 we're going back. I mean, same thing with gas.
23 Who is sick of gas prices? Who is sick of going

1 to the gas station filling up the car? Why don't
2 we do something to change it. Here we're having
3 a change for the better and nobody wants to take
4 the step. You know, you're never going to get
5 nowhere if you don't take a chance. That's all I
6 got to say.

7 DANIEL SPITZER: Who would like to go next?

8 ROBERT CROWELL: Robert Crowell, South Dayton -- 1414
9 Cassadaga Road, South Dayton just up the road
10 here.

11 I think I own the most land in the town of
12 Villenova. We have a very large farm and I know
13 we pay the most taxes. I think I'm in favor of
14 it. I'd love to go down to the Pike and Warsaw
15 areas and see them. I've talked to quite a lot
16 of farmers down there. I know quite a few in
17 that area who have them on their own land, and I
18 have two sisters that live right in the middle of
19 the area. They say nothing but good things about
20 them. We talk about their taxes and what they do
21 to the community. And I read the articles, the
22 things about the hills, and connect it a little
23 bit with the Arkwright to know what's going on

SDEIS-0015-55

1 there. I know that it will bring a lot of
2 revenue to the town and also I think there's
3 probably at least two school districts and maybe
4 the third that will benefit from the income that
5 would be helping our taxes, and so I really -- I
6 got to say that I don't know when they moved them
7 now, but I did have one on the original proposal
8 on Ball Hill, but --

9 DANIEL SPITZER: Thank you. Who would like to go
10 next?

11 GREG SNOW: I have a couple questions. Greg Snow
12 again. I'd like to know if the town gets a
13 percentage of the generating money, the actual
14 power that's generated. I also would be
15 interested in knowing how this project was
16 transferred from Duke Energy, what the
17 possibilities are of it getting transferred again
18 before the project is complete.

19 Also have -- I have a question regarding
20 these new much larger turbines. There are two
21 proposed for this project and I'm going to assume
22 we're going to get the largest of the two, the GE
23 which is four hundred ninety-nine feet high.

1 It's great that you've got some glossy pictures
2 that also seem to picture cows, but I'd like to
3 know where I can go and see and hear one of these
4 GE's for myself. I'm very concerned about the
5 noise, is pretty much the only thing that bothers
6 me about this project.

7 DANIEL SPITZER: Thank you.

8 GREG SNOW: That's it.

9 DANIEL SPITZER: These are questions that we'll
10 answer in the SDEIS, but I think you can probably
11 give some general answers to the extent you want
12 to.

13 MARK LYONS: Yes. This question about transfer of
14 ownership has come up before. I think someone
15 over here had some concern about it with regard
16 to the decommissioning obligation and I think
17 it's important to note that yes, ownership in
18 land and farms does change. It happens all the
19 time in the industry. But in these towns no one
20 can own or operate this wind farm without a town
21 permit, a special use permit from the town that
22 is granted under the town law and that permit
23 owner has to abide by all of the provisions of

1 the host community agreement, and there will in
2 fact be a host community agreement for this
3 project in each of these towns.

4 And so one of the provisions of the host
5 community agreement is that we have a
6 decommissioning plan and we provide the financial
7 security to decommission that is available to the
8 town. It doesn't come through us. It's put at
9 the town's disposal from the get-go. So if and
10 when another company comes along there are other
11 provisions in the host community agreement that
12 allow the town some discretion over the
13 assignments of the operating rights to that
14 additional entity. They have to take over all
15 the responsibilities of the original permit
16 owners. With regard to the GE two point two
17 point three -- two point three machine, I think
18 it's important to note the final choice of the
19 turbine technology has not yet been made. And we
20 do this for a number of reasons, technical
21 reasons and commercial reasons. It wouldn't do
22 us any good if we said, you know, on day one at
23 the beginning of a yearlong process we're going

1 to use this turbine because they wouldn't have
2 much negotiating leverage or --

3 GREG SNOW: I understand that. I'm saying assume for
4 the purposes of like seeing for myself --

5 MARK LYONS: I understand that.

6 GREG SNOW: -- the larger one I want to see.

7 MARK LYONS: I understand that and we can do a bit of
8 research and find out where the GE two point
9 three machines are in operation and get that
10 information to you, but I just hasten to -- to
11 tell anyone -- tell everyone that in the course
12 of the next few weeks a final turbine selection
13 will be made, and I think what will be important
14 to you is that you know where you can go and see
15 that turbine.

16 DAN BOYD: Ultimately the key here, and we talked
17 about this in the beginning, the turbines you're
18 seeing are evolutions of the turbines that have
19 been built. So yes, they may not have the same
20 capacity as the previous one, but are built on
21 that same platform and they are evolutions of the
22 same thing. If you drove a 2016 Chevy Silverado
23 it doesn't look the same as a 2014 because they

1 change it every couple of years, but you know,
2 you can tell it's the same.

3 GREG SNOW: Are you saying that we could get even
4 larger turbines?

5 DAN BOYD: By the time we build this project I do not
6 know what is there. We've tried to keep things
7 as looking at -- as big a possibility at this
8 point. On that note, when it comes to noise, the
9 noise profiles of the turbines are all in line
10 with each other and will fall well within the
11 guidelines of the law and that's what we're
12 required do and we will definitely do it.

13 MARK SWEENEY: And each turbine is analyzed for its
14 own -- we're not assuming one to cover
15 everything. We're analyzing those reports, the
16 specific models that are being provided, so that
17 we're getting accurate information. And if
18 there's a different model that is chosen that
19 information would have to be updated and provided
20 in the final environmental impact statement.

21 And just one other little piece on the
22 transfer issue is that there's provisions in the
23 wind law, the town zoning law, that addresses

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1 when projects can be transferred. There's a
2 distinction when it goes from one entity under
3 RES America umbrella to another just for
4 corporate purposes, as opposed to being
5 transferred out, so there -- so all of that is
6 done with the knowledge of the town board and on
7 full notice and all of that, so there's
8 requirements in there that address that
9 particular issue. So it's not just sold off and
10 all of a sudden nobody knows anyone involved at
11 all. And that's all that will be -- that will
12 all be condition -- conditions included in the
13 report.

14 DANIEL SPITZER: If I may shed --

15 GREG SNOW: Part of my question there is how this
16 project was transferred. How did you people end
17 up with it from --

18 DANIEL SPITZER: They can answer in the SDEIS. Just
19 how it's none of their business how you transfer
20 your farm, your home, it's not our business how
21 they transfer the company. All we care about as
22 a municipality is who owns the security. The
23 town does, not the company. And as a new company

SDEIS-0015-61

1 that we approved, agreed to take on the
2 obligations, but to be honest with you, it's not
3 our business how they transfer. They can answer
4 that on the SDEIS if they want to.

5 I think you said something that is important
6 for you to understand as you mentioned about
7 changes, the SEIS that's in front of you
8 evaluates impacts based on the worst case
9 scenario. If they were to come in with the
10 turbine that was larger, first of all, that
11 wouldn't necessarily mean more noisy. The
12 turbine would be taller, even larger. Or in that
13 regard if there are significant changes in the
14 project they have to again study that so nothing
15 gets approved without the community knowing what
16 the impacts are and the impacts are always
17 assumed to be the most reasonably foreseeable
18 worst case scenario, so I think you made a very
19 good point about what happens with the changes of
20 technology. I think you'll find if you look at
21 that, the noise of these turbines has actually
22 been reduced as compared to the power output,
23 that they have actually got pretty decent. Also,

1 as you look at setbacks increasing, obviously the
2 noise diminishes, so that's part of it too.
3 However, nothing can get built that hasn't been
4 studied and nothing can get built that doesn't
5 follow the law. And you don't have to take my
6 word for that. When you build a two or three
7 hundred million dollar wind farm you have two
8 creatures called investors and bankers, and they
9 really, really know every inch of the legality
10 and make sure the town has done everything right,
11 as well as the IDA and the other entities. And
12 one of the things that is required is a contract,
13 the seeker also and everything has to be studied
14 for that before that money flows, so there's
15 really a lot of protection in terms of getting
16 the answers.

17 I'll leave it to the company whether they
18 want to talk about the corporate affairs, but I
19 can tell you from the town's point of view where
20 we don't get involved with people's business
21 affairs.

22 What was the rest of your question?

23 GREG SNOW: Whether or not the town gets a percentage

1 of the generation.

2 DANIEL SPITZER: The town does not get a percent of
3 royalty based on generation. The town gets what
4 is called a host community fee and a share of
5 the -- in lieu of taxes. They are basically both
6 things are really best seen as -- fees are really
7 best seen as a substitute for taxes. It's based
8 on the real property valuation and the -- in
9 terms of the assessment.

10 The county IDA has a policy based on the
11 megawatt nameplate and host community agreements
12 are made in the same way. In addition, there are
13 other financial benefits that I mentioned in
14 terms of roads not tied to generation in any way.
15 Generally, you don't have the ability to tie
16 things to generation because that's a tax and the
17 tax -- the sales taxes and things like that that
18 may be -- obviously this is wholesale so they
19 won't pay sales tax, but there's no authority for
20 taxing generation or getting a payment based on
21 generation.

22 Okay. Who else would like to go? Yes, sir.

23 CHUCK LUCE: Chuck L-U-C-E. I'm the highway

1 superintendent in the Town of Villenova and I
2 live on 1072 Smith Road, Forrestville, New York,
3 pretty close to where the windmills will be.

4 Did you ever have one of these towers come
5 down? I know they recently had one in Denmark,
6 the wind over-speeded it and it come off the
7 blade and chopped the tower off.

8 DANIEL SPITZER: We've had two of them come down in
9 New York. The first one was GE -- GE's fault. I
10 believe when you build these facilities, and as I
11 -- if you want to correct me, but basically when
12 you build these things you use a pair of like
13 jumper cables to like short out the engine and
14 make sure the blade stays in place. GE did --
15 does all this because these are GE -- GE, as I
16 understand it, they had to remove two sets of
17 these jumpers. The way wind farms work, when the
18 grid goes down the wind farm stops. What
19 happened in Altona, as I understand it, the grid
20 went down and two of the turbines didn't stop
21 because of this mistake that GE made and one of
22 them they hand cranked the speed down but the
23 other one kept spinning and the fiberglass blade

SDEIS-0015-63

1 eventually hit the tower and cracked the tower.

2 What was interesting about that is I
3 represented the Town of Altona when that
4 happened. We sent an engineer out there to
5 measure the debris field, because -- because if
6 they fall how far do they fall. And the debris
7 field was about one and a quarter the height of
8 the tower, as I recall. I don't think you were
9 Noble then. But it was a very small debris
10 field. That's what the town was interested in,
11 sort of the question about what happens.

12 The second one that came down in New York
13 was a failure of a bolt. The foundation bolts
14 failed in a project in Madison County and it
15 tipped right over. Those are the only two that
16 have had any failure in New York. There's one in
17 Oklahoma that caught fire. I don't know of any
18 others in the United States that have come down.

19 MARK LYONS: But, Chuck, I think to your point, stuff
20 can happen, you know, in spite of the best
21 engineering construction practices and quality
22 control.

23 CHUCK LUCE: How fast of the wind can they handle?

1 MARK LYONS: I don't know.

2 AARON HOGAN: Depends on the model. Like the smaller
3 rotor GE one point five, the eighty meter -- I
4 mean, that's just the only one I think, off the
5 top of my head, they shut off about -- the bigger
6 towers, it's going to be a little less wind
7 speed, maximum wind speed before.

8 DAN BOYD: That's when the tower stops its generation
9 and then feathers its blades out of the wind so
10 it doesn't overspeed.

11 AARON HOGAN: Each tower has a meter. It measures
12 the wind speed constantly and as soon as it gets
13 past the threshold it zeros the blades and stuff.

14 CHUCK LUCE: A braking system?

15 MARK LYONS: This is the -- why we enforce such big
16 setbacks, because if something -- if an accident
17 does happen which is unforeseen, obviously --

18 CHUCK LUCE: How many of these towers do you have up
19 now, you know, the whole outfit?

20 DAN BOYD: The number of towers as far as so many
21 generations from ones a couple hundred kilowatt
22 range, thousands of them. We've built over eight
23 thousand megawatts.

1 GREG SNOW: How many in New York State? | SDEIS-0015-67

2 DAN BOYD: RES has not built any projects in New York
3 State today. That's why, fortunately for me,
4 they hired me about eighteen months ago to start
5 development here. But eight thousand megawatts
6 throughout the U.S. and Canada and hopefully this
7 will be our first project here in New York and
8 we're going to start construction here this year
9 on a project in Chili, so you've got quite a bit
10 of -- | SDEIS-0015-68

11 CHUCK LUCE: You're paying royalties by what, you're
12 metering it somewhere?

13 DAN BOYD: Every electrical generation project is a
14 metered project.

15 CHUCK LUCE: Like a meter station or is every power
16 metered?

17 DAN BOYD: Yes and yes.

18 CHUCK LUCE: That's what you base your royalties on,
19 right?

20 DAN BOYD: It's usually a percentage of the whole
21 project, just so if one has a shutdown for a
22 while somebody doesn't get the bad deal. | SDEIS-0015-69

23 CHUCK LUCE: One more. Where are these built, the

1 windmills even installed?

2 DAN BOYD: So the majority of turbines that are being
3 installed in the U.S. today are from the two
4 manufacturers, are manufactured here in the U.S.,
5 even though Vestas is a Danish company, they are
6 built in a facility in Colorado.

7 CHUCK LUCE: Are any of the local people going to be
8 involved in the construction?

9 DAN BOYD: That's the hope. We've been doing a lot
10 of pricing recently to make sure that we have all
11 the right numbers. And I talked to a couple
12 gentlemen at the last town meeting that they had
13 actually been contacted from our construction
14 folks about materials and things. And I talked
15 to another gentleman tonight and we have his
16 information and we do the construction, you know,
17 but we do -- we're not bringing everything here.
18 That doesn't make financial sense. So you know,
19 we're going to be sourcing a lot of materials,
20 equipment and people in this area to help with
21 the project.

22 CHUCK LUCE: Is that power --

23 AARON HOGAN: I mean, as far as employing locals, a

1 lot of times we employ a lot of locals as labor
2 operators, stuff like that.

3 CHUCK LUCE: Okay. Is that tower trucked in then in
4 pieces or is it -- how many pieces does it come
5 in?

6 AARON HOGAN: You'll have a truck for each blade so
7 it would be three blades, the hub comes on its
8 own truck, the cell on its own truck and each
9 individual tower section, so depending on how
10 high the tower is, how many sections, you know,
11 it's between three and five normally.

12 CHUCK LUCE: A pretty good roadway to haul that up to
13 the sites then.

14 AARON HOGAN: Yup.

15 CHUCK LUCE: I guess that's it.

16 DANIEL SPITZER: Who else would like to ask a
17 question or make a comment?

18 JUDY PHILLIPS: Again, Judy Phillips.

19 Am I correct in what I'm reading here, that
20 RES Americas has a balance of plant contractor --
21 balance of plan contractor at the Mehoopany wind
22 farm in Pennsylvania? Was there -- it says here
23 that a blade crashed I believe in 2014 and it was

1 operational in 2012.

SDEIS-0015-73
Continued

2 MARK LYONS: That is correct.

3 DANIEL SPITZER: Who else would like to make a
4 comment or ask a question? Gentlemen? Please.

SDEIS-0015-74

5 ANGELA HUGHES: And good questions. Are you saying
6 that it's going to bring more local jobs?

7 DAN BOYD: Yes, ma'am.

SDEIS-0015-74
Continued

8 ANGELA HUGHES: Okay. Then I like that idea. I --
9 I'm really for it even more, so -- and I do have
10 to add, I love our community, Chautauqua County.
11 I was born, raised, went into the military, paid
12 my taxes to Chautauqua County while I did my
13 twenty years and I came back, bought a place, put
14 a lot of money into this town of my own, just to
15 fix up a place that was falling down. And I love
16 this town. And I'm really -- I agree with you.
17 We've got to look for the youth. We have to.
18 And we need to look -- if we can get a few jobs
19 here that's fabulous.

20 But anyways, again, I -- I have coffee and
21 tea at my house. That's it.

22 DANIEL SPITZER: Yes, sir?

SDEIS-0015-75

23 HOWARD CROWELL: We have a lot of gas wells in the

1 area and they have continued issues. Will these
2 windmills have tenders, people that come around
3 and check them every so often or daily or weekly
4 or monthly?

5 AARON HOGAN: They will have a whole maintenance
6 team.

7 HOWARD CROWELL: How often will they be in this area?

8 DANIEL SPITZER: Actually, windmills are monitored
9 twenty-four hours, seven days a week, three
10 hundred sixty-five days. Whether it's on
11 location or monitored, it's every second of the
12 day.

13 AARON HOGAN: Monitored remotely and there's a
14 maintenance team.

15 HOWARD CROWELL: Monitored remotely? Remotely I
16 guess is the --

17 AARON HOGAN: They constantly transmit data by a
18 computer, but there would be a team of people on
19 site that maintain these machines.

20 HOWARD CROWELL: That would be in the area?

21 AARON HOGAN: Yup.

22 LISA BRAIN: Lisa Brain. Just a small question.
23 Will this affect -- a lot of people have wells.

1 Will that affect their wells at any cost,
2 drilling, like you know, the water mains and
3 stuff?

4 AARON HOGAN: No. Our deepest excavation for
5 foundation is usually only between like eight and
6 twelve feet, depending on what the conditions
7 are, if we have to excavate a little deeper.

8 LISA BRAIN: Now, is that like the -- there's lines
9 underground though connecting to --

10 AARON HOGAN: Yeah, between four to six feet deep.

11 DANIEL SPITZER: Well let's make sure we're
12 completely answered. During the construction if
13 they disturb any of the drainage tile or anything
14 like that, the ag and markets law requires them
15 to fix that. If they are working on anything in
16 the town and they disturb anything on people's
17 property, like your well is over here and you
18 have a line to your house, they have to fix that.
19 I don't think it's public water in the community,
20 but if they come across that or public gas
21 collection lines are what you mostly run into
22 with these projects, you have to be careful with
23 the anti-corrosion and other facts. Again, it's

1 on them to repair and anything that they disturb.

2 Who else would like to speak?

3 CHUCK LUCE: How many yards of concrete to hold one
4 of them up? I know I put towers out in Tucson,
5 Arizona, and we put like a hundred twenty-five
6 yards just for small --

7 AARON HOGAN: Until we get the final turbine --

8 CHUCK LUCE: How deep do they go down?

9 AARON HOGAN: Well, depending on the -- what the soil
10 looks like under it.

11 CHUCK LUCE: We were more than forty-five feet deep.

12 AARON HOGAN: You're probably do a P and H
13 foundation, so --

14 CHUCK LUCE: Depends on the soil, I know.

15 AARON HOGAN: As far as I know, a spread foot
16 foundation, so the foundation would be around
17 probably sixty feet across and between eight and
18 twelve feet deep, depending on soil.

19 CHUCK LUCE: That's all?

20 AARON HOGAN: Probably between four and five hundred
21 yards of concrete.

22 CHUCK LUCE: All right. What does that tower weigh
23 without the concrete?

1 DAN BOYD: There's some specifications in the
2 document, and then the final will be included in
3 the final.

4 CHUCK LUCE: It doesn't seem very deep to hold up a
5 five-hundred-foot tower.

6 MARK SWEENEY: Well --

7 AARON HOGAN: We put quite a bit of dirt on top of
8 it.

9 MARK SWEENEY: One thing, all of this is subject to
10 review. It's like a building permit that has to
11 be issued. There's standards that have to be met
12 and all of that, you know, review -- it's
13 prepared by the company's engineers, submitted to
14 the town, reviewed by the town's experts for
15 verification, and then a permit is issued, so
16 it's not -- you know, it will be very well
17 vetted.

18 DANIEL SPITZER: I'm not aware anywhere in the world
19 of a tower coming down because of a foundation
20 failure. The engineering is pretty good on how
21 to support these things.

22 CHUCK LUCE: You're going to do road pushes, running
23 underground cable, or is it all overhead?

SDEIS-0015-79

SDEIS-0015-80

1 MARK SWEENEY: The town requires underground on
2 private plans.

3 CHUCK LUCE: Your transmission line is going to be
4 above?

5 MARK SWEENEY: Yes.

6 CHUCK LUCE: You're going to have some big
7 transmission lines going across Villenova there.

8 DAN BOYD: The transmission line is in the Town of
9 Hanover. It runs north up to the transmission
10 lines that cross.

11 CHUCK LUCE: You're going to run everything
12 underground through that?

13 DAN BOYD: Through the wind farm. The collection
14 system is underground.

15 CHUCK LUCE: Okay.

16 DANIEL SPITZER: If you ever go out to Eagle Park I
17 think the one is where the collection system is
18 above ground. You won't see that in Villenova.

19 CHUCK LUCE: Hanover is going to get the big towers
20 then.

21 DANIEL SPITZER: I don't know if it's a tower, but
22 where the substation is.

23 DAN BOYD: Correct, the substation, transmission line

SDEIS-0015-80
Continued

SDEIS-0015-81

SDEIS-0015-81
Continued

1 and the switch yard. You can see it on the map
2 over here.

3 DANIEL SPITZER: Who else would like to speak? Don't
4 be shy.

5 BECKY LABERI: Becky Laberi, 886 Market Hill Road,
6 South Dayton.

7 You mentioned RES has its own turbines up in
8 Canada and the radio stations that I listened to
9 they were taking them down because of the noise.

10 DANIEL SPITZER: Taking them down?

11 BECKY LABERI: Because of the noise, the health
12 issues related to the noise.

13 MARK LYONS: Sounds like they should do some
14 research.

15 DANIEL SPITZER: We'll have to do some research.

16 MARK SWEENEY: I haven't heard anything.

17 DANIEL SPITZER: They are not familiar with it. I'll
18 have to research and give you an answer.

19 BECKY LABERI: Okay.

20 DANIEL SPITZER: Miss Phillips, you had another
21 question?

22 JUDY PHILLIPS: Yes. I didn't know if I was correct
23 in what I had written. Can it take as many as

SDEIS-0015-82

SDEIS-0015-82
Continued

SDEIS-0015-83

1 seven trailers to transport the components of one
2 turbine and as many as sixty trailers to
3 transport the large capacity crane?

4 DAN BOYD: Sixty, did you say?

5 AARON HOGAN: It's about six hundred and sixty ton
6 crane is about forty-five trucks to transport
7 that, depending on -- just depends on the tower
8 you're putting up, how many sections of boom you
9 have to put in, how many counterweights it is,
10 it's going to vary depending on the final
11 turbines how many trucks it's going to take.

12 JUDY PHILLIPS: More than forty just to transport the
13 crane, correct?

14 AARON HOGAN: Yes.

15 DANIEL SPITZER: Who else would like to speak?

16 I'm seeing no other comments. I would
17 recommend that the town board make a motion to
18 close the public hearing.

19 ANGELO GRAZIANO: I'll make that motion.

20 KEITH BUTCHER: I'll second.

21 DANIEL SPITZER: So just to make sure everybody is
22 clear about the process forward, as you've heard,
23 you'll have ten days to make comments on the

1 SDEIS and the documents. There is going to be
2 other public hearings held. This is an ongoing
3 process. You have your town board members.
4 Those are the folks to seek out here in Hanover
5 and don't be shy about getting involved.

6 I thank you very much for everything. It
7 was very professional tonight. I know the town
8 board members appreciate that.

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STATE OF NEW YORK)

SS:

COUNTY OF ERIE)

I, Erin L. McPartlan a Notary Public in and for the State of New York, County of Erie, DO HEREBY CERTIFY that the above proceedings were taken down by me in a verbatim manner by means of Machine Shorthand, on March 2, 2016. That the transcript was then reduced into writing under my direction.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the proceedings.

ERIN L. McPARTLAN,
Notary Public.

**T-3 Public Participation, 2016 Amended Applications to the
Towns of Villenova and Hanover**

Town of Villenova

Notice of Public Hearing on October 13, 2016 – Letter mailed to property owners within 500 feet of proposed Wind Overlay District

September 30, 2016

«Company_Name»
«First_Name»«Last_Name»
«Address_1» «Address_2» «Address_3»
«PO_Box»
«City», «State» «Zip»

Re: Ball Hill Wind Energy Project
Notice of Public Hearing

Dear «First_Name»«Last_Name»«Sir_or_Madam»:

On behalf of Ball Hill Wind, LLC, we are writing to inform you that the Town of Villenova has scheduled a public hearing on October 13, 2016, with respect to the Ball Hill Wind Energy Project in the town. Pursuant to the Villenova Wind Law, enclosed is a copy of the notice of the public hearing as well as the County Agricultural Data Statement because portions of the proposed project would lie within a New York State Department of Agriculture and Markets designated Agricultural District.

The public hearing will be held on Thursday, October 13, 2016, at 7:00 pm at:

Hamlet United Methodist Church
1119 Route 83
South Dayton, NY 14138.

In the meantime, project information is available for public review at the Villenova Town Offices located at 1094 Butcher Road, South Dayton, NY 14138, and on the Internet at www.ballhillwind.com.

If you have any additional questions or concerns please feel free to contact me.

Respectfully submitted,



Tegan Kondak
Project Manager
TKondak@ene.com
(716) 684-8060

**NOTICE OF PUBLIC HEARING ON OCTOBER 13, 2106
FOR THE TOWN BOARD OF THE TOWN OF VILLENOVA
BALL HILL WIND ENERGY PROJECT**

PLEASE TAKE NOTICE that the Town Board of the Town of Villenova will hold a Public Hearing on October 13, 2016 at **7:00 pm at the Hamlet United Methodist Church located at 1119 Route 83, South Dayton, New York 14138** to hear all public comments regarding the Ball Hill Wind Energy Project including but not limited to the Amended Application for a Special Use Permit, a local law (introduction No. 6 of 2016) to amend the Maximum Height restriction for Wind Energy Conversion Systems, and a local law (introduction No. 7 of 2016) to create a Wind Overlay Zone as set forth in the Town's Wind Energy Facilities Law (Local Law No. 1 of 2007).

The Amended Application, proposed local laws and other project information is available for public review at the Villenova Town Offices located at 1094 Butcher Road, South Dayton, New York 14138. The Amended Application and the local laws, and documents related to the environmental review of the project are also available on the internet at www.ballhillwind.com.



Agricultural Data Statement

Date 09/29/2016

Instructions: This form must be completed for any application for a special use permit, site plan approval, use variance or a subdivision approval requiring municipal review that would occur on property within 500 feet of a farm operation located in a NYS Dept. of Ag & Markets certified Agricultural District.

Table with 2 columns: Applicant, Owner if Different from Applicant. Fields for Name and Address.

1. Type of Application: [X] Special Use Permit; [X] Site Plan Approval; [] Use Variance; [] Subdivision Approval

2. Description of proposed project: The Applicant proposes to develop, construct, own, operate and maintain an approximately 100.5-megawatt (MW) wind energy facility to be known as the "Ball Hill Wind Energy Project" in portions of the towns of Villenova and Hanover.

3. Location of project: Address: Portions of the Towns of Villenova and Hanover Tax Map Number (TMP) _____

4. Is this parcel within an Agricultural District? [] NO [X] YES (Check with your local assessor if you do not know)
5. If YES, Agricultural District Number CHAT005; CHAT010
6. Is this parcel actively farmed? [] NO [X] YES
7. List all farm operations within 500 feet of your parcel. Attach additional sheets if necessary.

Table with 2 columns and 2 rows for listing parcels within 500 feet. Fields for Name, Address, and active farming status.

Signature of Applicant

Signature of Owner (if other than applicant)

Reviewed by: Signature of Municipal Official

Date

NOTE TO REFERRAL AGENCY: County Planning Board review is required. A copy of the Agricultural Data Statement must be submitted along with the referral to the County Planning Department.

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
135.00-2-45.3; 135.00-2-46		Aguglia	Joseph	9942	Dye	Rd	Forestville	NY	14062
134.00-1-48.2		Aldinger	Matthew	PO Box 354			Forestville	NY	14062
134.00-1-41		Andrews	Andrew	PO Box 282			Dunkirk	NY	14048
153.00-1-66		Arent	Mark	135	Vern	Ln	Cheektowaga	NY	14227
135.00-1-1	Ball Hill Camp Corp			68	Main	St	Angola	NY	14006
135.00-1-22	Ball Hill Cemetery				Prospect	Rd	Forestville	NY	14062
151.00-1-25		Barmore	Althea	1795	Route 83		Forestville	NY	14062
151.00-1-26; 151.00-1-36; 150.00-2-18		Barmore	Russell	1795	Route 83		Forestville	NY	14062
168.00-1-39		Barnes	David	8225	Milestrip Rd		South Dayton	NY	14138
151.00-2-7.1; 151.00-2-7.2		Barnes	Robert	9225	Pope Hill	Rd	Forestville	NY	14062
151.00-2-5.2		Barnes	Susan	9225	Pope Hill	Rd	Forestville	NY	14062
151.00-1-48		Bell	Corey	9378	Zahm	Rd	Forestville	NY	14062
135.00-1-12		Benchley	Robert	11437	Bennett State	Rd	Forestville	NY	14062
169.00-2-1		Benes	Randolph	3955	Yale		Hamburg	NY	
150.00-2-5		Benton	Allen	292	Water	St	Fredonia	NY	14063
152.00-2-3		Blasdell	James	9314	Ball Hill	Rd	Forestville	NY	14062
152.00-1-8		Blasdell	Stephen	9293	North Hill	Rd	South Dayton	NY	14138
134.00-2-23.3		Bly	Kristy	2152	Chapin Rd.		Silver Creek	NY	14136
151.00-1-37		Booth	Kevin	9190	Zahm	Rd	Forestville	NY	14062
168.00-1-33		Bottita	Benny	1258	Route 83		South Dayton	NY	14138
168.00-1-32		Bottita	Sharon	1258	Route 83		South Dayton	NY	14138
150.00-2-13		Brainard	Steven	12697	Cowens Corner	Rd	Conewango Valley	NY	14726
151.00-2-11		Brain-Bauer	Richard	8995	North Hill	Rd	South Dayton	NY	14138
152.00-1-6		Bromley	Laverne	9315	North Hill	Rd	South Dayton	NY	14138
135.00-2-7		Brunea	Chris	609	Harris Hill	Rd	Lancaster	NY	14086

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
135.00-1-26		Buelar	Danisue	916	Bartlett Hill	Rd	South Dayton	NY	14138
135.00-1-31; 135.00-1-32; 135.00-1-33		Buelow	Wayne	916	Bartlett Hill	Rd	South Dayton	NY	14138
135.00-1-3; 135.00-2-1		Bunker	Douglas	775	Hurlbert	Rd	Forestville	NY	14062
152.00-1-16; 152.00-1-19		Burek	Peter		PO Box 214		South Dayton	NY	14138
151.00-2-18		Butcher	John	46	Peterson	St	Jamestown	NY	14701
169.00-1-18		Butcher	Kandice	505	Rt 83		South Dayton	NY	14138
169.00-1-17		Butcher	Keith	8664	North Hill	Rd	South Dayton	NY	14138
168.20-1-4; 169.00-1-21		Butcher	Lynn	970	Butcher	Rd	South Dayton	NY	14138
152.00-1-38.1; 152.00-1-38.2		Caparco	Antimo	6016	Rt 62		Conewango Valley	NY	14726
135.00-2-6; 135.00-2-8; 169.00-1-3	Chagrin Land Limited Partnership			30799	Pinetree	Rd	Pepper Pike	OH	44124
152.00-1-34		Chase	Dollie	Rt 322	Box 307		South Dayton	NY	14138
151.00-2-17		Clarke	James	8984	Round Top	Rd	Forestville	NY	14062
152.00-2-5		Clugston	Troy	9240	Prospect	Rd	Forestville	NY	14062
134.00-2-26		Colvenback	Brian	9735	Prospect	Rd	Forestville	NY	14062
151.00-1-40; 151.00-1-41; 151.00-1-45		Colvenback	Roger	3748	Bard	Rd	Cassadaga	NY	14718
168.00-1-44		Congdon	James	1287	Villanova	Rd	South Dayton	NY	14138
151.00-1-50		Covert	Darren	9400	Zahm	Rd	Forestville	NY	14062
135.00-1-2; 135.00-1-5		Cronkhite	Kevin	911	Hurlburt	RD	Forestville	NY	14062
135.00-2-23		Crowell	Alyce	1542	Hamlet Cassadaga	Rd	Forestville	NY	14062
135.00-2-20; 152.00-2-9; 152.00-2-10		Crowell	Howard	1542	Hamlet Cassadaga	Rd	Forestville	NY	14062

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
135.00-1-34		Crowell	Marilyn	858	Bartlett Hill	Rd	South Dayton	NY	14138-9625
135.00-2-14		Crowell	Nelson	9684	Dye	Rd	Forestville	NY	14062
151.00-2-19; 169.00-1-45; 169.00-1-47		Crowell	Robert	1394	Route 83		South Dayton	NY	14138
135.00-2-13		Crowell	Stephen	1389	Moland	Rd	Alfred	NY	14803
151.00-2-15; 168.20-1-63	Crowell Family Holdings, LLC			1394	Route 83		South Dayton	NY	14138
134.00-1-46		Curtis	John	9400	Round Top	Rd	Forestville	NY	14062
134.00-1-42; 151.00-2-1		Curtis	Stephania	9400	Round Top	Rd	Dunkirk	NY	14048
168.20-1-51; 168.20-1-64		Dahn	Arlene	8520	School	St	South Dayton	NY	14138
168.20-1-19		Dayton	David	1073	Butcher	Rd	South Dayton	NY	14138
134.00-1-34		Durski	Frank	9581	Granger	Ave	Angola	NY	14006
135.00-2-48		Dye	Margaret	7	Allegany	Rd	South Dayton	NY	14138
135.00-2-4.2; 135.07-1-1; 135.07-1-3; 135.07-1-4		Dye	Quentin	250	Seneca	St	Gowanda	NY	14070
135.00-2-25		Eaton	Brenda	8133	Maple Hill	Rd	Cattaraugus	NY	14719
168.00-1-41.2; 168.00-1-42		Eaton	William	43	Waverly	St	Cattaraugus	NY	14719
152.00-1-43		Ecker	Merle	9153	North Hill	Rd	Forestville	NY	14062
152.00-2-17.2		Egan	Daniel	783	Hurlburt	Rd	Forestville	NY	14062
152.00-2-19.2; 152.00-2-19.3		Egan	Susan	9017	Dye	Rd	South Dayton	NY	14138
152.00-1-37		Egbert	Henry	1129	Smith	Rd	Forestville	NY	14062
168.20-1-1; 168.20-1-2; 168.20-1-5		Emke-Walker	Michael	8577	North Hill	Rd	South Dayton	NY	14138
151.00-2-24		Ermer	Diana	9200	Round Top	Rd	Forestville	NY	14062

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
136.00-1-37;136.00-1-44	Estate of Nick A Restivo			476	Christy	Rd	Irving	NY	14081
135.00-2-3		Everts	David	10247	Empire	Rd	Forestville	NY	14062
150.00-2-12	Fairdawn Farms Inc.			9265	Putnam	Rd	Forestville	NY	14062
151.00-1-33		Fisk	Allan	9006	Zahm	Rd	Forestville	NY	14062
134.00-2-12		Gajewski	Callie May	2385	New Jerusalem		Eden	NY	14058
134.00-2-17.1; 134.00-2-24; 135.00-1-9.1		Gajewski	Michael	9658	Prospect	Rd	Forestville	NY	14062
168.20-1-50		Gard	Christine	1151	Rt 83		South Dayton	NY	14138
135.00-2-11		Garrett	Michael	9717	Dye	Rd	Forestville	NY	14062
152.00-2-1.000		Gibbs	John	8483	Rt 353		Gowanda	NY	14070
151.00-1-8; 151.00-1-35; 151.00-2-23; 151.00-1-9; 151.00-1-34		Gould	Denise	9020	Zahm	Rd	Forestville	NY	14062
135.00-1-23; 169.00-2-2		Graziano	Shari	10280	Rider	Rd	Forestville	NY	14062
135.00-1-8		Greene	Kathleen	9716	Prospect	Rd	Forestville	NY	14062
134.00-2-16		Greene	Mark	9716	Prospect	Rd	Forestville	NY	14062
169.00-1-9.2		Gregory	Heather	804	Smith	Rd	Forestville	NY	14062
134.00-2-7		Greiner	Kurt	3475	Heatherwood	Dr	Hamburg	NY	14075
151.00-2-3.2		Gutkowski	Anthony	1870	Highway 59		Westminster	SC	29693
152.00-1-2		Hagmier	Bruce	10056	Prospect	Rd	Forestville	NY	14062
152.00-1-1; 152.00-1-9		Hagmier	Jared	9437	Prospect	Rd	Forestville	NY	14062
135.00-2-12		Halstrom	Tammy	9701	Dye	Rd	Forestville	NY	14062
168.00-1-30	Hamlet Cemetery								
152.00-2-14; 152.00-2-15		Harvey	John	9235	Dye	Rd	South Dayton	NY	14138

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
151.00-2-8		Hatfield	David	E Building	PO Box 102		Cassadaga	NY	14718
134.00-2-21.3		Hayes	Rodney	9373	Pope Hill	Rd	Forestville	NY	14062
134.00-1-47		Hebner	Elenor	9575	Pope Hill	Rd	Forestville	NY	14062
135.00-1-14		Holland	Myung	9554	Prospect	Rd	Forestville	NY	14062
135.00-1-27		Homan	Richard	4469	Allegany	Rd	Little Valley	NY	14755
169.00-2-9.1		Hooker	Evelyn	422	Hooker	Rd	South Dayton	NY	14138
135.00-2-30		Howard	Kenneth	9658	Dye	Rd	Forestville	NY	14062
152.00-1-21; 152.00-1-41		Howard	Shawn	PO Box 193			South Dayton	NY	14138
151.00-1-21.1; 151.00-1-29; 151.00-1-32		Hubbard	Robert	5072	W. Shorewood	Dr	Dunkirk	NY	14048
134.00-1-33		Huber	Martin	9619	Round Top	Rd	Forestville	NY	14062
150.00-2-16		Hughes	Richard	1818	Rte 83		Forestville	NY	14062
169.00-1-9.1; 169.00-1-10; 169.00-1-23		Ivett	Howard	752	Smith	Rd	South Dayton	NY	14148
168.00-1-47; 168.00-1-49; 169.00-1-13; 169.00-1-14; 169.00-1-15; 169.00-1-16		Ivett	Kristopher	8778	North Hill	Rd	South Dayton	NY	14138
135.00-2-19		Ivory	Richard	10344	Chestnut	Rd	Dunkirk	NY	14048
152.00-1-17		Jackson	Denise	121	Oak	St	South Dayton	NY	14128
168.00-1-31		Jacobs	Norman	329	Huntington	Ave	Buffalo	NY	14214
151.00-1-1.1		Jock	Gary	9454	Zahm	Rd	Forestville	NY	14062
135.00-2-17	JTI Properties, LLC			127	Clinton	Ave	Fredonia	NY	14063
135.00-2-9; 135.00-2-10	King Timberlands, LLC			PO Box 3090			Falconer	NY	14733

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
134.00-2-33		Kraft	Robert	1360	Seneca Creek	Rd	West Seneca	NY	14224
168.00-1-48		Krill	James	8807	North Hill	Rd	South Dayton	NY	14138
153.00-1-18		Kwilos	David	9335	So. Dayton Silver Creek	Rd	Forestville	NY	14062
134.00-2-21.2		Kwilos	Jacob	9382	Pope Hill	Rd	Forestville	NY	14062
135.00-1-25		Kwilos	Joshua	9460	Prospect	Rd	Forestville	NY	14062
151.00-1-4.1		Langworthy	Richard	3429	Rt 20		Dunkirk	NY	14048
135.00-1-28		LeBarron	Becky	886	Bartlett Hill	Rd	South Dayton	NY	14138
151.00-1-44		Lettieri	Andre	9316	Zahm	Rd	Forestville	NY	14062
151.00-1-13; 151.00-1-21.2; 151.00-1-12		Lindquist	Duanne	9057	Round Top	Rd	Forestville	NY	14062
168.20-1-6		Lindquist	Stephen	8875	S. Center	Rd	Cassadaga	NY	14718
134.00-2-1		Logan	Angeline	9942	Bradigan/Round Top	Rd.	Forestville	NY	14062
134.00-2-11; 134.00-2-10; 135.00-1-6		LoManto	Michael	9376	Prospect	Rd	Forestville	NY	14062
152.00-1-42; 152.00-1-35; 152.00-1-40		Luce	Charles	1072	Smith	Rd	Forestville	NY	14062
152.00-1-39.1; 152.00-1-36		Luce	Helena	1072	Smith	Rd	Forestville	NY	14062
135.00-2-15		Lukowski	Joseph	150	Blacks Cabin	Way	Dallas	GA	30132
151.00-1-11		Mabel	Ott	10292	Forty	Ed	Gowanda	NY	14070
152.00-2-11		Maciuba	Donald	133	Orchard	Pl	Lackawanna	NY	14218
152.00-1-13; 152.00-2-20; 152.00-1-14		Malvestuto	Robert	2279	Niagara Falls	Bldv	Niagara Falls	NY	14304
151.00-1-5; 151.00-1-38		Manning	Francina	57	Ivanhoe	Rd	Cheektowaga	NY	14215
134.00-1-36; 134.00-1-39.1		Marrano	Birgitta	9491	Round Top	Rd	Forestville	NY	14062
134.00-1-40		McCarthy	Nadine	17	Chestnut	St	Forestville	NY	14062

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
135.00-2-18		McGraw	Michael	PO Box 928			Key West	FL	33041
135.00-2-16		McGraw	Robert	919	Merriweather Way	Way	Severn	MD	21144
151.00-2-14; 152.00-1-33		McNamara	Katherine	8965	North Hill	Rd	South Dayton	NY	14138
168.00-1-45; 169.00-1-2		McNamara	Ronald	8965	North Hill	Rd	South Dayton	NY	14138
134.00-1-49		Merrill	John	PO Box 277			Forestville	NY	14063
134.00-2-5		Metzger	David	3453	East Lake	Rd	Dunkirk	NY	14048
151.00-1-30		Metzger	Robert	1720	Route 83		Forestville	NY	14062
151.00-1-1.2	MidFirst Bank			999	NW Grand	Bldv	Oklahoma City	OK	73118
152.00-2-4		Miller	Diane	9274	Prospect	Rd	Forestville	NY	14062
152.00-2-6.000		Miller	Joseph	7816	Route 474		Panama	NY	14767
134.00-2-32		Mooney	Robert	9672	Pope Hill	Rd	Forestville	NY	14062
135.00-1-13; 135.00-1-24; 152.00-2-13		Nagel	Arthur	9139	Dye	Rd	South Dayton	NY	14138
152.00-2-18		Nagel	Elaine	9139	Dye	Rd	South Dayton	NY	14138
153.00-1-53		Nagel	Marlene	139	Main	St	South Dayton	NY	14138
152.00-2-19.4; 153.00-1-54		Nagel	Richard	139	Main	St	South Dayton	NY	14138
169.00-2-3	National Property Management Associates, Inc.			4221	N Buffalo	St	Orchard Park	NY	14127
135.00-2-28		Nerber	Roy	4339	Oak Orchard	Ramp	Clay	NY	13041
168.20-1-17; 168.2-1-18; 168.00-1-49	New York State DOT			1220	Washington Ave		Albany	NY	12232
153.00-1-55		Newcomb	Bruce	9047	So Dayton/Silver Creek	Rd	Forestville	NY	14062
151.00-2-6		Newton	Russell	9160	North Hill	Rd	Forestville	NY	14062

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
169.00-1-5		Nobles	Barry	1601	Attridge	Rd	Churchville	NY	14518
169.00-1-12		Nobles	Herbert	7690	Route 83		South Dayton	NY	14138
169.00-1-4		Nobles	Higley	7978	Route 83		South Dayton	NY	14138
151.00-1-27; 152.00-1-22; 152.00-1-24; 152.00-1-23		Nobles	Nelson	7690	Route 83		South Dayton	NY	14138
134.00-2-14		O'Conner	David	9780	Prospect	Rd	Forestville	NY	14062
134.00-2-13		Oconnor	Florence	9355	Ball Hill	Rd	Forestville	NY	14062
134.00-2-15		O'Connor	Terri	9780	Prospect	Rd	Forestville	NY	14062
168.20-1-15		Odien	Richard	9505	Village Mille Lance		Clarence Center	NY	14032
152.00-1-5; 152.00-1- 10.000		Ortel	Donald	9334	Prospect	Rd	Forestville	NY	14062
152.00-1-3		Ortel	Tammy	9354	Prospect	Rd	Forestville	NY	14062
151.00-1-19		Ortendahl	Jon	5978	Twin	Rd	Mayville	NY	14757
151.00-2-16		Ortendahl	Julie	5978	Twin	Rd	Mayville	NY	14757
152.00-1-26; 152.00-1-27; 152.00-1-28; 152.00-1-30; 152-1-31; 152.00-1-32		Palmer	Nathan	1022	Smith	Rd	Forestville	NY	14062
151.00-2-3.1		Partyka	James		PO Box 345		Forestville	NY	14062
152.00-1-12		Partyka	Pauline	9171	Prospect	St	Forestville	NY	14062
168.00-1-37		Pascarella	Frank		PO Box 29		Salamanca	NY	14779

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
151.00-1-3; 151.00-2-20		Pchelka	Lorri	9120	Round Top	Rd	Forestville	NY	14062
151.00-2-21; 151.00-2-22		Pchelka	Richard	9120	Round Top	Rd	Forestville	NY	14062
151.00-2-13		Peate	Jeffrey	8959	North Hill	Rd	South Dayton	NY	14138
168.00-1-46		Peterson	Christina	479	Hunt	Rd	Cherry Creek	NY	14723
152.00-2-8		Philbrick	Donald	9617	SE 77Th	Ave	Milwaukie	OR	97222
151.00-1-4.2		Piede	James	63	Burgess	St	Silver Creek	NY	14136
150.00-2-17		Pike, Jr	Randall	1797	Route 83		Forestville	NY	14062
134.00-2-17.2; 135.00-1-9.2; 135.00-1-10; 135.00-1-11; 135.00-1-15.3		Press	Brian	9645	Prospect	Rd	Forestville	NY	14062
135.00-1-7		Press	Frank	9355	Ball Hill	Rd	Forestville	NY	14062
152.00-1-4		Press	Jean	9355	Ball Hill	Rd	Forestville	NY	14062
152.00-2-16; 152.00-2-17.1		Priest	Kim	9201	Dye	Rd	South Dayton	NY	14138
151.00-1-10		Quinn	Lester	9085	Round Top Hill	Rd	Forestville	NY	14062
135.00-1-18	R & K Holland Trust			7447	Silver Cup	Dr	Warrenton	VA	20186
151.00-1-31	R. Hubbard Properties, LLC			5072	West Shorewood	Dr	Dunkirk	NY	14048
134.00-2-4		Raag	Mihkel	9981	Prospect	Rd	Forestville	NY	14062
153.00-1-70		Richter	Anthony	8773	Ball Hill	Rd	Forestville	NY	14062
134.00-1-48.1		Richter	Eugene	10390	Creek	Rd	Forestville	NY	14062
152.00-1-39.2		Roberts	Donna	1044	Smith	Rd	Forestville	NY	14062
168.20-1-14		Rodriguez	Jose	1097	Butcher	Rd	South Dayton	NY	14138
152.00-1-18		Roland	Benjamin	8961	Ball Hill	Rd	Forestville	NY	14062
169.00-1-1		Rolls	Richard	479	Hunt	Rd	Cherry Creek	NY	14723
152.00-1-25		Rose	Judith	1040	Smith	Rd	Forestville	NY	14062

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
168.00-1-35		Rundell	James	9784	Creek	Rd	Forestville	NY	14062
134.00-2-28; 134.00-2-29		Ryder	William	173	Roland	Ave	Lackawanna	NY	14218
134.00-2-20; 135.00-1-19		Sarver	Gloria	9	Congress	Rd	Forestville	NY	14062-0720
135.00-1-29		Schneider	Jason	17	Cedar	St	Forestville	NY	14062
134.00-1-38		Schneiderman	Roy	8160	Westphalinger	Rd	East Amherst	NY	14051
151.00-2-2	School District #16								
135.00-2-27; 135.00-2-29		Scotfield	James	9596	Dye	Rd	Forestville	NY	14062
134.00-2-18; 134.00-2-19; 134.00-2-22; 135.00-1-15.2		Scott	Harold	9633	Prospect	Rd	Forestville	NY	14062
135.00-1-15.1		Scott	Linda	9633	Prospect	Rd	Forestville	NY	14062-7020
151.00-1-15		Sears	Kathleen	183	Somerville		Tonawanda	NY	14150
134.00-1-39.2		Smith	Michael	9491	Round Top	Rd	Forestville	NY	14062
135.00-2-5.1; 150.00-2-6; 133.00-2-26		Smith	Peter	3177	Whitaker	Rd	Fredonia	NY	14062
151.00-1-14		Smith	Theodore	183	Somerville		Tonawanda	NY	14150
151.00-1-39		Snyder	Mark	292	Wrexham Ct North		Tonawanda	NY	14150
168.00-1-41.1		Stearns	Mavis	8043	Route 83		South Dayton	NY	14138
151.00-2-10		Stearns	Roberta	PO Box 7543			Indian Lake Estates	FL	33855
135.00-1-17		Sterlace	Joshua	9601	Prospect	Rd	Forestville	NY	14062
134.00-2-27		Sterling	Bruce	9747	Prospect	Rd	Forestville	NY	14062
169.00-1-11		Storm	Jason	1039	Fawnwood	Dr	Webster	NY	14580
134.00-2-8	Subcarrier Communications, Inc.			139	White Oak	Ln	Old Bridge	NJ	088572511

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
134.00-2-6; 135.00-1-4		Swanson	Frieda	9974	Prospect	Rd	Forestville	NY	14062
134.00-2-9		Swanson	John	9974	Prospect	Rd	Forestville	NY	14062
152.00-1-15		Szymanski	Richard	8991	Ball Hill	Rd	Forestville	NY	14062
153.00-1-65		Tatchell	Douglas	9114	Silver Creek	Rd	Forestville	NY	14062
168.00-1-43		Tenerewicz	Daniel	7072	Sweetland	Rd	Derby	NY	14047
151.00-1-46; 150.00-2-7		Termer	William	82	Ponderosa	Dr	Williamsville	NY	14221
150.00-2-10; 150.00-2-11		Termer	William	3748	Bard	Rd	Cassadaga	NY	14718
152.00-1-7		Titus	Jonathan	15	Maple	Ave	Fredonia	NY	14063
151.00-1-6		Tourjie	John	9626	S. Protection	Rd	Holland	NY	14080
168.20-1-16	Town Of Villenova				Butcher	Rd	South Dayton	NY	14138
168.20-1-3	Town Tool House								
134.00-2-23.1		Troutman	Betty	9477	Pope Hill	Rd	Forestville	NY	14062
152.00-1-11; 151.00-2-4.1		Troutman	Paula	9249	North Hill	Rd	South Dayton	NY	14062
152.00-2-2		Troutman	Rose	9320	Ball Hill	Rd	Forestville	NY	14062
134.00-2-23.2		Troutman	Steven	9569	Pope Hill	Rd	Forestville	NY	14062
134.00-1-45; 134.00-2-21.1; 134.00-1-44; 134.00-1-43		Tunstall	John	9400	Pope Hill	Rd	Forestville	NY	14062
134.00-1-37; 151.00-1-1.3; 151.00-1-2		Tweedie	Brock	25	Water	St	Forestville	NY	14062
135.00-2-45; 135.00-2-45.2		Vento	George	15	Lone Eagle	Way	Lownesville	SC	29659

Parcel ID	Company Name	Last Name	First Name	Address No	Address Street	Street Type	Address Mun	Address State	Address Zip
151.00-1-47		Vetter	Jeremy	3525	E. Main	St	Sheridan	NY	14135
152.00-2-12		Wade	Bradley	9271	Dye	Rd	South Dayton	NY	14138
134.00-2-25		Waligora	Timothy	1111	Balmer	Rd	Youngstown	NY	14174
151.00-2-9		Waterman	Daren	9077	North Hill	Rd	South Dayton	NY	14138
135.00-1-20; 135.00-1-21	Wesleyan Church			9495	Prospect	Rd	Forestville	NY	14062
135.00-1-16	Wesleyan Parsonage								
135.00-2-2		Westlund	Benjamin	9955	Dye	Rd	Forestville	NY	14062
135.00-2-47		Westlund	Heather	9955	Dye	Rd	Forestville	NY	14062
151.00-1-17; 151.00-1-18		William	Clarke	247	Farrell	Rd	West Henrietta	NY	14586
134.00-2-3		Wojcik	Judith	9981	Prospect	Rd	Forestville	NY	14062
152.00-1-20; 169.00-1-6; 169.00-1-7; 169.00-1-8		Wolfe	Everett	7320	E. Shoreward	Loop	Tucson	AZ	85715
152.00-1-29		Wolfe	Jeffrey	987	Smith	Rd	Forestville	NY	14062
151.00-2-5.1		Woodside	Stuart	1041	Kline	Rd	Williamsville	NY	14221
153.00-1-24.1		Woolley	Neva	9239	So. Dayton Silver Creek	Rd	Forestville	NY	14062
135.00-2-4.1		Wunderlich	Marge	3590	Roundbottom	Rd	Cincinnati	OH	45244
151.00-1-7		Yaskow	Carl	38	Guernsey	St	Buffalo	NY	14207
151.00-2-4.2		Young	Robert	9298	Pope Hill	Rd	Forestville	NY	14062
151.00-1-42; 151.00-1-43		Zahm	Jeffrey	9299	Zahm	Rd	Forestville	NY	14062
151.00-2-12		Ziemendorf	George	4313	Wilson-Burt	Rd	Wilson	NY	14172
134.00-1-50		Zimar	Richard	9644	Round Top	Rd	Forestville	NY	14064

Town of Villenova

Notice of Public Hearing Published in the *Dunkirk Observer*

AFFIDAVIT OF PUBLICATION

**LEGAL NOTICE
NOTICE OF PUBLIC
HEARING ON
OCTOBER 13, 2106**

**FOR THE TOWN BOARD
OF THE TOWN OF
VILLENOVA
BALL HILL WIND
ENERGY PROJECT**
PLEASE TAKE NOTICE
that the Town Board of the
Town of Villenova will hold
a Public Hearing on Oc-
tober 13, 2016 at 7:00
pm at the Hamlet United
Methodist Church located
at 1119 Route 83, South
Dayton, New York 14138
to hear all public com-
ments regarding the Ball
Hill Wind Energy Project
including but not limited to
the Amended Application
for a Special Use Permit,
a local law (introduction
No. 6 of 2016) to amend
the Maximum Height res-
triction for Wind Energy
Conversion Systems, and
a local law (introduction
No. 7 of 2016) to create a
Wind Overlay Zone as set
forth in the Town's Wind
Energy Facilities Law (Lo-
cal Law No. 1 of 2007).
The Amended Application,
proposed local laws and
other project information is
available for public review
at the Villenova Town Of-
fices located at 1094
Butcher Road, South Day-
ton, New York 14138. The
Amended Application and
the local laws, and docu-
ments related to the en-
vironmental review of the
project are also available
on the internet at
www.ballhillwind.com.
O-161093 October 1, 3,
2016-adv

State of New York
County of Chautauqua
City of Dunkirk

Sheila McWillson, being duly sworn, deposes and says that
she is the Principal Clerk, for Ogden Newspapers of New York
Inc. the publisher of The OBSERVER, a daily newspaper published
in the City of Dunkirk, Chautauqua County, State of New York,
and that a notice of which the annexed is a printed copy, was
inserted and published in said newspaper on the following
dates
Oct. 1, 3, 2016

Signed Sheila McWillson
Sheila McWillson

Signed before me this 9th day of November 2016

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/19

Town of Villenova

Comments Recorded at the October 13, 2016, Public Hearing

BALL HILL PUBLIC HEARING

Proceedings held at 1119
Route 83, South Dayton, New York, taken on October 13,
2016, commencing at 7:00 P.M., before ERIN L. COPPING,
Notary Public.

1 RICHARD ARDILLO: Good evening, everyone. It's seven
2 o'clock and we're ready to start. I'm the town
3 supervisor, you know me. And I'd like to
4 introduce to you the town's attorney, Dan
5 Spitzer. I'll be handing the meeting over to
6 him, and we will be -- he will direct the
7 proceedings from here, so -- okay.

8 DANIEL SPITZER: Thank you, sir. Good evening,
9 everyone. I appreciate everybody coming out
10 tonight for the town. We are here for a public
11 hearing on the application, the amended
12 application for the Ball Hill wind project.
13 Tonight you're going to hear from the applicant
14 and the applicant is here to answer questions for
15 you about the project. In addition, any
16 questions that you ask tonight -- there's a
17 stenographer who is taking down everything. I
18 ask therefore that you clearly state your name
19 and address when you come up so that she knows
20 who you are and we can record things correctly.

21 Any questions that are asked here tonight
22 are also part of the town's review process under
23 the State Environmental Quality Review Act. The

1 town is working with the applicant on that
2 process. Where that stands and -- where it
3 stands is that we've had -- for those of you who
4 are not familiar, a couple of years ago a company
5 flagged this area as having potential for a wind
6 farm and the community has been working with the
7 applicant for a number of years now. Under the
8 state law we do an environmental review that
9 guides the process. That process went through
10 what's known as a draft environmental impact
11 statement and we had a public hearing on it.
12 After that process, things changed a bit. The
13 technology, frankly, got better for wind farms,
14 and as a result there is a project that is in
15 front of you now which they will explain actually
16 has the same size in terms of output but actually
17 has less turbines in Hanover and Villenova and
18 the -- the company then prepared at the town's
19 request a supplemental draft environmental draft
20 impact statement. And for those of you here in
21 this building the last time there was a public
22 hearing on that document, that document is now
23 they're answering the questions that were asked

1 that evening. They'll answer the questions that
2 are asked this evening and as a result of those
3 public hearings and that input they will produce
4 a document and submit to the town a proposed
5 final environmental impact statement that sort of
6 summarizes all the impacts that affects the town
7 in that report. It's led by the engineering firm
8 of Haley Aldrich. Jim Pippin who has been with
9 the project since the beginning is the chief
10 reviewer making sure that the report properly
11 identifies all potential impacts, socio, economic
12 and environmental, of the proposal. And then
13 once that meets his recommendations for approval
14 it's submitted to the town board. The town board
15 goes through it with the applicant and with its
16 expert and if the town finds that FEIS is
17 acceptable, then it can move on to issuing the
18 FEIS and no earlier than ten days after that it
19 can make a decision on whether to grant the
20 approval in part or in whole that has been asked
21 for the wind farm and for the change in the law.

22 There's also a duplicative process that goes
23 on in the Town of Hanover. The environmental

1 process is run through. The Town of Villenova is
2 the lead agency, but Hanover has its own
3 application process and that application process
4 is following along at the same pace. Like
5 Villenova, Hanover cannot make a decision until
6 the environmental review is done. Hanover is
7 proposing to have their public hearing in early
8 November. They haven't set the schedule formally
9 yet, but has the amended application in front of
10 them.

11 In addition, the documents are all submitted
12 to the county planning board which hopefully will
13 be reviewing them the first week of November for
14 both communities. And the public is welcome,
15 regardless of where you live, at both of those
16 meetings. I don't think the county planning
17 board is technically a public hearing, but my
18 experience is that that planning board has always
19 taken questions from the public and comments from
20 the public, and Hanover is a public hearing.

21 But I'll also mention if you think of
22 something after tonight, you don't necessarily
23 have to go to the Hanover public hearing. The

1 Town of Villenova will accept written comments
2 sent to the town clerk for ten days after
3 tonight's meeting.

4 So the way we're going to work this tonight
5 is I'm going to turn it over to Mark Lyons on
6 behalf of the applicant. Mark and his team are
7 going to make a presentation. When he's done we
8 can open it up to the questions. We'll ask folks
9 come up one at a time, identify themselves. We
10 do ask that if you have a comment, like you just
11 want to say to the board here is why I think this
12 is a great idea, here is why I think it is a bad
13 idea, this is the time to make those comments.
14 We ask that everybody try to keep it within three
15 to five minutes and if we have time at the end
16 we'll go back so we'll make sure everybody who
17 gets finished gets finished. We want to make
18 sure everybody has a chance to ask questions, but
19 this is also the time to give your opinion on the
20 project. Any -- we do our best to try -- unlike
21 the public hearings, we'll do our best to try to
22 answer questions tonight, but if we can't answer
23 them they'll be answered in the environmental

1 review process.

2 So with that in mind, with that explanation
3 in mind, I'll turn it over to Mark Lyons on
4 behalf of the applicant.

5 TINA GRAZIANO: Can I make a request that we do the
6 Pledge of Allegiance?

7 DANIEL SPITZER: Absolutely.

8 (Whereupon, the Pledge of Allegiance was
9 said.)

10 MARK LYONS: Thank you, Dan. Tonight -- I mean, good
11 evening, everybody. It's nice to see you all
12 here. My name is Mark Lyons and I'm the project
13 manager for the Ball Hill wind project and we
14 have a number of our team members with us here as
15 well that I'd like to introduce just briefly.

16 Dan Boyd, our senior director for project
17 development in the northeast region, and in no
18 particular order, Mark Sweeney our legal counsel.
19 Tegan Kondak, ecology and environmental. Tegan
20 was responsible for assembling this very large
21 application. And somewhere in the room is
22 Kristin McCarthy, which I think you all know
23 probably personally. And we have, you know,

1 another -- several other key team members who
2 couldn't be here tonight, but they all
3 contributed a lot of time and hard work to -- to
4 developing a proposal that we think is the best
5 possible wind project proposal for the Town of
6 Villenova.

7 You know, it's not our purpose right now to
8 walk through the entire application, but we
9 thought it would be helpful to summarize some
10 things that we think would be of key interests to
11 you all in terms of the impacts of the project on
12 the community and the benefits for the community,
13 highlighting the improvements we've made in the
14 project since January of this year when we had a
15 hearing in this very room on a very snowy winter
16 night. At that time, a number of people
17 expressed some concerns about the notice that was
18 given of the meeting and for the -- for that
19 seeker public hearing. The only legally required
20 notice was a notice in the newspaper, which we
21 did, but we also did what we could in addition to
22 that, which was to send out over two hundred
23 notices to people that we were -- that live

1 within the project area and apparently we missed
2 a few, but we did our best. We had a good
3 turnout nonetheless. This time we had more
4 specific notice requirements, particularly under
5 the Villenova town law that governs these wind
6 projects. And specifically, we again put public
7 notice in the newspaper twice, in the Dunkirk
8 Observer, and we also sent out to the addresses
9 that we got from the county assessors, addresses
10 of record of everybody who lives within the
11 proposed project site and everybody within five
12 hundred feet on the borders, so it was about two
13 hundred and seventy-two notices that we sent out.
14 And I can assume that you all got them and I
15 think this is a good turn out. I appreciate your
16 being here.

17 Another kind of administrative thing, within
18 that notice was a legally required agricultural
19 statement that we included. It's required under
20 the law to say are we proposing a equipment
21 within agricultural land and there was a blank
22 there for property owner. You are not required
23 to do anything with that. That was simply

1 provided to you informationally under the law.
2 You don't have to fill anything out or send it
3 back in. I know there was some questions about
4 that. Can everybody hear me in the back? I
5 don't think this is -- I don't think this is
6 doing me any good. Can you still hear me?
7 Great. I'm not used to using a microphone.

8 So you know, I just want to say that in the
9 last week a woman called me. She's one of your
10 neighbors and she asked me some questions about
11 the project and the application and we had a good
12 chat and I answered her questions, but she had
13 some very basic questions about the project, and
14 it occurred to me there are a number of sort of
15 basic issues that you may have questions about.
16 You know, what does it mean when a company comes
17 to your community and proposes to do a wind
18 project in your community? And I think we
19 sometimes take that for granted, you know. This
20 project was initially proposed in 2008. It's
21 been talked about on some level for about eight
22 years, but we have never had the chance to talk
23 to you about this. And I don't want to go into

1 any great length, but you know, in the course of
2 the conversation, you know, it basically said
3 look, we have some choices in life, so when -- we
4 all use electricity, and when we use electricity
5 somebody at some level, society, has made a
6 choice about where is that electricity going to
7 come from. And up until recently, that
8 electricity has come from some power plant that
9 burns fossil fuel somewhere and every power
10 generating station has some impacts and some
11 benefits associated with it, and so if we're
12 getting our power from a coal plant in Ohio or an
13 oil and gas plant somewhere in Upstate New York,
14 somebody is getting some very significant impacts
15 from that. Right? That's a choice that we're
16 making, because we're not going to make the
17 choice to stop using electricity. That's not a
18 choice. A choice is what source are we going to
19 use? So there are some very significant impacts
20 with coal and oil and nuclear and even gas and
21 there are impacts associated with wind as well.

22 And there are benefits associated with them,
23 mostly those are fuel fired generators. And the

1 benefits, the money flows to the people who sell
2 fuel, whether it be in Louisiana or Ohio or
3 Pennsylvania or wherever, but it's not here. So
4 when somebody comes to the Town of Villenova and
5 says we've done some research and we think this
6 would be a good place for a wind project, you
7 know, what does that mean to you in general
8 terms? Well, it means that the impacts and the
9 benefits will all be local. So the fuel dollars,
10 if you will, from a wind project are the land
11 payments, payments that we pay to the landowners
12 under the lease to rent space on their property
13 to harvest the wind and we pay the land payments
14 every year based on using that local energy. And
15 there are some impacts as well, but I would
16 suggest that this is -- it's not every town that
17 gets a chance to even consider this choice, and
18 so you know, the choice before you is to choose
19 wind energy, which is much cleaner than these
20 other sources, and to host the project in your
21 town.

22 So we've done the best job we can to
23 minimize the impacts of this project which are --

1 which are detailed in great detail in the
2 application in the -- in the -- in the
3 environmental impact statement, and there are
4 significant benefits for the towns of Villenova
5 and Hanover because you have the opportunity to
6 host this project, so that's the choice that's in
7 front of you. We have signed up about -- what?
8 Ninety landowners, so there's a broad
9 participation in this project in your community.

10 And so with that kind of a background I just
11 want to talk a little bit about the benefits of
12 the project. I -- I put them in three buckets,
13 environmental benefits, energy benefits and
14 economic benefits. The benefits from this
15 environmentally, the greenhouse gases that will
16 be avoided by this project is the equivalent of
17 four hundred and four million car miles a year or
18 three hundred and ninety thousand barrels of oil
19 burned a year, or eight hundred and ninety-eight
20 rail cars of coal burned a year, so very
21 significant reduction in greenhouse gases
22 environmentally. Energy-wise we would reasonably
23 be expected to generate enough energy for

1 twenty-two thousand homes. Okay? So that energy
2 is going to go into the New York power pool.
3 It's not going to be consumed locally. That's
4 not the way it works. In New York there's a
5 power pool, but it's your power pool. So they
6 will go into your power pool and you'll get your
7 energy out of the power pool and it will make the
8 energy mix in your power pool cheaper than it
9 would be.

10 The economic benefits from this project to
11 the Town of Villenova are significant. About a
12 million dollars a year in public and private
13 money would be generated to this town every year
14 from this project. That's about three hundred
15 and sixty thousand dollars in PILOT payments and
16 host community payments that would go to the Town
17 of Villenova and to the private landowners, about
18 six hundred and fifty thousand dollars a year
19 will flow into this community from this project.

20 As we -- as we have mentioned, since January
21 we had a public hearing here. We took a lot of
22 comments and in response to those comments, as
23 well as the other factors that we need to deal

1 with in designing a wind project, designing this
2 wind project we have made some substantial
3 improvements since January, and I just want to
4 review those briefly. We have instead of
5 utilizing a two point two megawatt wind turbine a
6 three point four five megawatt turbine has become
7 available to use and it would be no higher total
8 height than the other one, but we generate more
9 electricity and it allows us to reduce the number
10 of turbines from thirty-six to twenty-nine.
11 That's a significant decrease in the number of
12 turbines which we think, you know, is really the
13 most significant impact, if you will, how many
14 turbines we see in your community, so it's gone
15 from thirty-six to twenty-nine. The number --
16 the numbers of miles of access roads and electric
17 collection system has also been reduced because
18 we've reduced the number of turbines, so we've
19 reduced access roads by about a mile and a half
20 and a number of lines in buried cable by about --
21 by about five or six miles. And keep in mind
22 that when you reduce that, you're reducing all of
23 the impacts of construction of that, reducing

1 trucks, reduce construction impacts and that kind
2 of thing, so this project is really strong.

3 We put these posters up here. I don't
4 expect you to see them -- you to see them from
5 the seat. And I was assured that it would not be
6 disrespectful to put them on the altar here, and
7 I hope you all agree. But I do invite you to
8 come up and look at them afterward or at your
9 leisure. But this one summarizes what I'm
10 telling you right now. Basically what this shows
11 is how we have shrunk the footprint of the
12 project from the January design to the design
13 today. And these are the reductions in the
14 impacts from the January design to our current
15 design. The number of acres of clearing has been
16 reduced by about fifty acres, which is about a
17 fifteen percent reduction in the amount of
18 clearing we would need to do to construct the
19 project. The noise levels at the receptors --
20 and I'll get into the noise issue a little bit
21 more deeply here in a minute, has been reduced by
22 about seventeen percent in terms of the number of
23 receptors which is your houses where the noise

1 level would be above forty-five decibels. Very
2 importantly, under the town law of Villenova we
3 are required to indicate how many homes would be
4 within twelve hundred feet of a wind turbine. In
5 2008 that number was twenty-five homes within
6 twelve hundred feet of a turbine. In 2011 that
7 went to seventeen. With this design there are no
8 homes within twelve hundred feet of the turbine.
9 Okay? So we consider this to be a significant
10 improvement. So reduction in impacts, no
11 reduction in the economic benefits to the
12 project, that the project will provide to your
13 community.

14 We -- we knew that visual impacts would be a
15 concern of yours. It always is. I mean, when
16 you strip it all down, if you do your homework
17 and do a good job, which I say with all humility
18 our team has done a great job of designing this
19 project to be as least impactful as possible, but
20 when you strip it all down you're going to see
21 wind turbines. You can't hide them. Some people
22 like the way they look and other people don't.
23 But it speaks for itself, right? So I'm not

1 going to tell you how you think it should look.

2 What we have done is in January we had -- we
3 pulled these visual simulations out of our
4 environmental impact statement, and what this
5 shows is what your countryside looks like now and
6 this shows what it would look like with the wind
7 turbines, so we've redone the three simulations
8 that we did in January. There are fewer
9 turbines. I'm not going to tell you there's a
10 massively different visibility of wind turbines.
11 It's twenty-nine versus thirty-six. But there it
12 is. That's what it's going to look like.

13 And there's a more sort of technical tool as
14 you go through the application. This is the
15 viewshed back. Those are by color code where at
16 each one of these viewpoints which are the black
17 squares how many turbines you would be able to
18 see from that viewpoint. If I were you, and I
19 know how I would think the same way, you want to
20 know what it's going to look like from your
21 house, how many turbines can I see from my house.
22 This is the tool that you would use to determine
23 that. You know where your house is, you -- there

1 are -- on here you can't see it from there, but
2 if you come up you can see that there are
3 viewpoints that show where these photo
4 simulations were taken from, so you can get a
5 very good idea about what it would look like from
6 your house, and I assure you that most of you
7 will be able to see a turbine or two or more from
8 most places in town. That's what it is. So
9 that's -- that's the primary impact. The other
10 primary impact is noise, of course.

11 Oh, let me talk about shadow flicker for a
12 second, because I know that comes up a lot.
13 Shadow flicker has become kind of a mysterious
14 thing out there in terms of where it is and what
15 it does. This is where it is. This map shows
16 where it is. So again, it's color coded. And
17 this will show by color. And again, you just
18 point to where your house is on here, and based
19 on the color it says how many hours of shadow
20 flicker you would experience. Right? This
21 assumes that everybody has got a house of glass.
22 We don't know where your windows are. But
23 assuming that you've got windows all over your

1 house. That's -- that's how many hours a year
2 you would have shadow flicker.

3 So what is shadow flicker? It means the
4 blade turns in front of the sun. On the one
5 hand, people have said -- some people have
6 said -- people who have invented this thing
7 called wind turbine syndrome -- which, frankly,
8 does not exist. It's not me saying that, it's
9 the State of Massachusetts did a study, the
10 Department of Environmental Protection, and the
11 -- and the public Health Department in
12 Massachusetts did a study in 2012 and they took
13 apart this wind turbine syndrome thing, shadow
14 flicker, low frequency noise, vibrations, and
15 they basically said there are no health effects
16 from these commercial wind projects, including
17 shadow flicker. Apparently in order to have
18 health effects like epileptic impacts, shadow
19 flicker would have to be much faster than the
20 blades turn on this. So you can read that study
21 for yourself, but I can tell you that study was
22 done by impartial experts. So will shadow
23 flicker hurt you? The State of Massachusetts

1 says no. But if you do experience a very high
2 level of shadow flicker, you know, we are
3 committed to help mitigate that for you. If
4 that's your favorite chair in front of your
5 favorite window and there's shadow flicker there,
6 we'll do blinds or whatever that is to mitigate
7 that for you so it's not going to hurt you
8 health-wise. It may be an annoyance, but that's
9 our commitment and I'm sure the town will hold us
10 to it to mitigate excessive shadow flicker.

11 So noise. First of all, noise, there are --
12 noise is a very interesting science and I'm far
13 from an expert on it. One -- one of the key
14 criterion on noises, sort of broad spectrum
15 noise, you know, the decibel level, how loud is
16 it, and the Town of Villenova has a requirement
17 that the noise generated by this project not
18 exceed fifty decibels at any residence. Okay?
19 So we -- that's one of the things that we've
20 taken into consideration when we sighted this
21 project. And we have -- this map shows noise
22 levels in all the houses. The green houses are
23 the houses there are in the project, the red

1 houses are the houses that aren't. It doesn't
2 matter. We don't exceed fifty decibels. And in
3 fact, we don't come close in any residence in the
4 project. And so I invite you to look at this
5 yourself. So in terms of how loud it's gonna be,
6 the ambient noise -- I mean, you all, including
7 local experts, will tell me they have done their
8 own ambient noise measurements and I can't say
9 you're wrong. Certainly I know what our report
10 says, is that the ambient average between the
11 high thirties decibels and mid forties at various
12 wind speed levels when these projects would be
13 operating. The average sound level from a -- on
14 the project at all of the noise receptors in your
15 town, we looked at seven hundred ninety-six noise
16 receptors. It does not exceed forty-eight
17 decibels, which is slightly higher than ambient
18 in some places. I don't think it's perceptibly
19 or annoyingly higher, but it's not loud.

20 The other issue that comes up with noise
21 constantly in this is about low frequencies. You
22 know, that's part of the wind turbine syndrome,
23 this mysterious sound you can't hear that is

1 going to hurt your health. Well, in fact, you
2 can measure it. You can measure low frequencies
3 of noise and we have done so in the noise report
4 and it shows that low frequencies are what
5 contribute to vibrations too. In terms of low
6 frequencies and vibrations, the low frequencies
7 from the project are going to be well below the
8 noise criteria for residential and community
9 standards, which is NC thirty, and again,
10 compliant with the all applicable town and state
11 guidelines for noise, environmental.

12 I just want to quickly cover the -- it's all
13 environmental, you know. This is wildlife and
14 wetlands. To summarize that, in terms of birds
15 and bats, this is if not the most studied project
16 in the state, it's close, because bird surveys
17 have been taken for this project since 2008. So
18 it's well studied. Our experts have followed all
19 the applicable protocols for data gathering,
20 surveys for eagles and bats and breeding birds
21 and well documented and we are engaged with the
22 -- the Department of Environmental Conservation
23 and U.S. Fish and Wildlife Service to -- about --

1 about birds and bats. We have made commitments
2 for post construction monitoring. If we build
3 the project, it is actually having an impact on
4 these species. We can only cut trees during
5 certain seasons to minimize impacts on bird
6 habitats. There is a Northern long-eared bat,
7 endangered bat species in that area throughout
8 Upstate New York. It has been demonstrated
9 scientifically that the best way to avoid
10 impacting these bats is it not generate
11 electricity when the wind is blowing at low
12 levels because that's when the bats fly around.
13 They fly around at night when the wind is below
14 about five meters per second, so we have -- we
15 have committed to the DEC that we would not
16 generate electricity during the late summer and
17 the fall below five meters per second. And
18 that's a cost to the project, but it's been
19 scientifically shown to reduce bat mortalities by
20 over ninety-five percent, so we think we're doing
21 the right thing in terms of bats and birds. And
22 again, we're fully engaged with the DEC and the
23 Fish and Wildlife.

1 In terms of wetlands and habitat, I think
2 this is a major step forward for this project
3 from January to now. In January the permanent
4 wetland impact from the project were about four
5 point six acres, which is significant. But
6 through a lot of very artful design on the part
7 of our team we had reduced that to less than one,
8 so that's a huge reduction in wetland impacts.
9 We're very proud of that. And what else can I
10 say? There will be environmental monitoring
11 plans during construction by an independent third
12 party. That's what we're doing in the
13 environmental department, a summary of that.

14 And finally, construction. If I'm you, I'm
15 concerned about the construction. It would be
16 our hope to start construction by mid next year
17 and to complete construction by mid 2018, so it's
18 not a very long construction period. It would be
19 a lot of trucks. And to that end, we will enter
20 into a road use agreement with the town that will
21 commit us to make any upgrades required to handle
22 our construction traffic and to repair any damage
23 to the road to at least the condition that it was

1 in before after construction is over. And that
2 will be part of our host community impact and
3 that will be part of what we need to maintain our
4 permits.

5 So I'm going to stop talking. I think I've
6 talked long enough. And we'll be happy to take
7 questions. And again, we're happy to answer as
8 many questions as we can here tonight and if
9 there is something that requires input from the
10 team member that is not here or more information
11 or research, please forgive us, but we will
12 answer that question in writing afterward. We
13 want to be accurate in our answers. Thank you.

14 DANIEL SPITZER: So whoever is ready, who would like
15 to start?

16 TINA GRAZIANO: I have a thing that I would like to
17 read.

18 DANIEL SPITZER: If you like you can hand it to the
19 stenographer so she can get it word by word, but
20 you also can come up and read it.

21 TINA GRAZIANO: First of all, I would like to thank
22 everyone for attending tonight. The two notices
23 in the PennySaver, Observer's Community Notebook,

1 and the posters were not from RES. On the
2 contrary, they were responsible for very little
3 communication.

4 As a Villenova resident I'm tired of hearing
5 people speak for us not knowing the whole story
6 here. At a Chautauqua IDA meeting on September
7 16th Mark Lyons for RES stated this project has
8 full support from both towns. How can that be
9 correct? Let me explain the other side.

10 Wednesday, September 14th, at a regular
11 Villenova board meeting Mark Lyons and two other
12 partners were in attendance for the public
13 speaking portion of this meeting. He brought the
14 new map updates on a larger turbine which are now
15 the same height but the blades are much larger --
16 larger. And upcoming dates, he heavily pressed
17 upon the importance of finishing up by November
18 22nd to beat the deadline for tax credits. The
19 date for the next public hearing was set for
20 tonight, October 13th. Letters were to be mailed
21 only to residents inside the project area and a
22 mere five hundred feet outside of that.
23 Councilman Angelo Graziano requested for a second

1 time that he wanted letters sent to everyone in
2 this township. Councilman Wesley Tessey agreed.
3 Mark Lyons agreed and said he would be glad to do
4 this, he just needed the additional addresses
5 which, Mr. Lyons, can be found on Villenova's
6 website. Well, that didn't happen, did it? This
7 request was also made for the first public
8 hearing. I know this because I was there. I
9 attended the board meetings. Now we're here at
10 the second public hearing, and once again two
11 councilmen's requests are ignored. They are
12 elected officials and should be treated as such.

13 I'm puzzled why the request wasn't met. Was
14 it a sudden memory lapse, short of cash? The
15 lacking of help and time? Or you just felt it
16 wasn't important? Does this theory apply to the
17 other agreements that have been made? We live
18 outside the project area and will view over
19 twenty turbines as our neighbors will also. They
20 also do not receive any notifications. I'm still
21 running into residents in Villenova who still do
22 not know about this project, and when I do hear
23 some talk, they seem to be very lacking in the

1 facts of these turbines. So wrong to exclude
2 anyone. All residents deserve to be treated
3 equally. We all certainly get our tax bills
4 without a problem, we're all included in that.

5 And speaking of taxes, for years our
6 previous town supervisor has told us when the
7 windmills go up we would no longer have to pay
8 our town taxes. Have you heard that lately? I
9 know I haven't. Many things are left unsaid
10 about the money. The rest of us will be awarded
11 with a view that will never be the same and I
12 have yet to hear a thing about money for the
13 remainder of the residents.

14 Getting back to the lack of communication
15 here, it seems only landowners with lease
16 agreements and their neighbors are entitled to
17 letters for important meetings. The majority of
18 the residents here do not subscribe to the paper
19 and are unable to attend regular board meetings.
20 These people are being denied their rights to
21 attend these hearings, to voice their opinions
22 and ask questions. When you pick and choose who
23 gets the privilege of a notification and two

1 councilmen's requests are ignored, this project
2 seems sneaky and exclusive. I hope you're not
3 worried about confrontations if and when this
4 project is finished. You guys are out of here,
5 why would you care how the unsigned and
6 uncompensated public feels? Do this right and
7 include the entire township. Such a simple
8 request of mailing notices to all to prevent a
9 division of this community should have been
10 granted.

11 I propose this public hearing needs to be
12 postponed, a do-over, possibly a mulligan, until
13 the entire township has been notified by letter
14 delivered by the United States Postal Service.
15 Everyone receives the mail. These mammoth
16 turbines are just short of five hundred feet.
17 They will force an impact on everyone and
18 everything here. I'm asking again to include
19 everybody, do this fairly, do this justly, do
20 this right.

21 In closing, I could spend hours talking to
22 you about the endless information we have
23 acquired by reading, investigating, researching

1 and actually talking to people living in a wind
2 farm. I'm asking you to research for yourself.
3 This you must do for yourself and generations
4 following. A sales pitch will only give you a
5 biased side. The Internet has vast amounts of
6 information for and against. It's as easy as
7 Google. Keep reading. You will be amazed and
8 possibly frightened what amount of information is
9 out there for you. Thank you.

10 DANIEL SPITZER: Who would like to go next? Don't be
11 shy.

12 MICHAEL EMKE WALKER: Michael Emke Walker. I came to
13 the last meeting. I just wanted to say to
14 everybody, how many people here feed birds?
15 Everybody? Anybody? A study has been done
16 that -- you're domesticating cats that are not
17 native to North America. They kill more birds
18 than anything put together. Just to let you
19 know, they have studies. If you're worried about
20 the birds start sending Felix back overseas where
21 he belongs.

22 I've got something else to say. These
23 windmills sign contracts with the landowners.

1 Who are we to say what the landowners can't do
2 with their property? Do we tell you you can't
3 build a shed or build a house where you want?
4 You own the property. You do what you want with
5 it. I mean, I could see people's houses. I can
6 see people's garages. Might not like the way
7 they look, but oh, well. That's the way I look
8 at it. And these windmills are clean. I want to
9 go in the future, maybe your kids or grandkids --
10 looks more like grandkids in here. I like to
11 think that your grandkids, maybe my grandkids,
12 I'd like to say hey, I tried to make a
13 difference. I tried to make a better future for
14 you. If it doesn't work out, well, at least we
15 tried. That's all I've got to say.

16 DANIEL SPITZER: Who would like to go next? In the
17 back.

18 JUDY WOJCIK: Judy Wojcik, W-O-J-C-I-K. And so I --
19 you know, what I am bothered by about this whole
20 windmill project is exactly what Tracy -- or,
21 Tina Graziano is talking about. Everyone should
22 get to vote in the whole township, not secret
23 meetings, not this -- this opaque where it's a

1 secret lease agreement, and then only people who
2 are involved get to do everything. And including
3 the fact that the Sarah LoManto was on the town
4 board and she only recused herself from this
5 whole process on the 28th of September. She's
6 someone who -- that's a conflict of interest. I
7 was there at the meeting.

8 DANIEL SPITZER: But she actually recused -- with due
9 respect, ma'am, she's recused herself from day
10 one. She has never participated in any aspect of
11 the project.

12 JUDY WOJCIK: But she's on a lease agreement, is the
13 point.

14 DANIEL SPITZER: Which is why she hasn't
15 participated.

16 JUDY WOJCIK: That's the thing. Who brought this
17 wind project back when it was already killed?
18 You know, I heard stories about the Java
19 windmills where Noble went out of business, and
20 then the people couldn't even sell their own
21 farms because there was a lien on the windmill.
22 And like horror stories like that, I'd like to
23 know more. I'd like to do more research, and I

1 think more people should get a say in what goes
2 on, not these secret meetings. That's like so
3 wrong. We all vote. We all pay taxes. Three
4 hundred thousand dollars is not a lot for the
5 value of our property being diminished by these
6 eyesores and oversized monoliths, you know, and
7 then all the noise and traffic. And you say
8 you're going to fix the roads back to what they
9 were, but they should be fixed -- like who's
10 paying for this project? I heard a hundred
11 twenty-seven million of taxpayers' money from New
12 York State, whatever. Why not just fix the
13 roads, you know? It's just -- I just -- I'm just
14 tired of this secrecy stuff.

15 DANIEL SPITZER: Just so everybody understands the
16 process -- and this is a good example in the
17 speakers that we've heard so far. There's a
18 number of issues that are raised. It's the
19 applicant's job to answer all of those questions.
20 So if, for example, in the last speaker there was
21 questions about how the road reconstruction is
22 handled and how the town is going to be paid,
23 questions about the economics. All of those

1 questions have to be answered.

2 One thing I do want to point out too, there
3 was a concern with due respect, Mr. Lyons -- to
4 the extent that Mr. Lyons -- if that's what he
5 said, that the towns both support this project,
6 neither town has ever voted for or against this
7 project. In fact, neither town has ever been
8 asked to vote, so I don't know what decisions
9 people are talking about or what secrets people
10 say they have.

11 JUDY WOJCIK: Well, you have secret meetings.

12 DANIEL SPITZER: There's been no secret meetings,
13 ma'am. There's never been a meeting without
14 being made public. Ma'am, there's never been a
15 public meeting in the now eight years I've been
16 working on this project, never been a non-public
17 meeting done. The town attorney is here, who can
18 confirm that as well.

19 So with due respect, that's something that
20 they will answer specifically, particularly the
21 property tax issue and the impairment of the
22 property. They will go through all of that.
23 Just so everybody understands, neither town is

1 legally allowed to vote yea or nay until the
2 application and the environmental review process
3 is done, so no one has a -- has ever said we want
4 this project. When private parties come forward
5 with a project, the U.S. Constitution and the
6 first amendment not only says you have the right
7 of free speech, it also says you have the right
8 to petition the government. So when private
9 parties wish to build things in communities that
10 regulate projects, they have a right to move
11 their project forward and the town has a process
12 for doing that, which it has been following. And
13 if you have questions about that process or the
14 ways it can be better, by all means, this is the
15 time to bring those things forward.

16 Who would like to go next?

17 MICHAEL GARRETT: I'm Michael Garrett and I live in
18 Forestville, G-A-R-R-E-T-T. They -- are they
19 pretty much exempt from paying local taxes?

20 DANIEL SPITZER: The company has asked the IDA to
21 grant a property tax exemption for fifteen years.

22 MARK LYONS: Twenty.

23 DANIEL SPITZER: Twenty years. During that time

1 frame they would not pay real property taxes,
2 except for special district taxes. So for
3 example, a town water district or town sewer
4 district or something like that, they pay no
5 taxes. What they pay instead is a payment in
6 lieu of taxes set by the Chautauqua County IDA
7 and host community payment which goes only to the
8 respective towns based on the number of turbines.
9 I believe that the IDA has established its own
10 policy based on the dollar amounts that -- this
11 is pretty much statewide. The numbers are pretty
12 much the same. That dollar amount that's
13 collected by the county IDA is then distributed
14 to each school district, each town, and the
15 county based on the number of turbines within
16 each community.

17 MICHAEL GARRETT: That's talking like a lawyer.

18 Sorry.

19 DANIEL SPITZER: Well, I was a CPA before a lawyer.

20 I can turn it into numbers.

21 MICHAEL GARRETT: I'm Michael. I'm new to the
22 community. I've only been here about a year and
23 a half. My wife took a job as the superintendent

1 in schools in Forestville and we moved down here.

2 A little bit back my background, I am a tree
3 hugger. I admit it, I am probably left of Bernie
4 Sanders when it comes to green issues. That
5 being said, I worked for almost forty years in a
6 college and I was lucky enough to be a faculty
7 advisor to what we called the Earth Environmental
8 Group, and I helped a lot of young people go on
9 to careers in environmentalism as state rangers,
10 botanists to whatever, and so and I was also -- I
11 shouldn't say fortunately. I moved probably five
12 times in the last ten years, so I've lived in
13 Genesee County, Wyoming County, Livingston
14 County, Wayne County and now Chautauqua County.
15 And when I came down here I couldn't believe how
16 beautiful this place was. I am an artist. I
17 just retired this year and, you know, I'm going
18 to be a photographer full-time now and I couldn't
19 believe, you know, how wonderful this place is
20 and how friendly the people are. But one of my
21 favorite artists is Norman Rockwell, pretty much
22 an expert on him, and one of paintings he did was
23 The Four Freedoms. The first one he did was

1 freedom of speech and if somebody -- you know,
2 they are kind of iconic. It shows a gentleman
3 standing up like this, the wooden benches.
4 Basically what led to a school board meeting and
5 this gentleman stood up and spoke out against
6 basically the majority of the people that were
7 trying to pass a bond to get a new school and he
8 stood up and Rockwell says that's what freedom of
9 speech means, even if people who stand up and
10 disagree with the majority, that is the great
11 thing about the United States. You know, any
12 claps about that or no?

13 So if I disagreed with some of your things
14 tonight and you don't like the way, you can
15 easily just go outside and say Mike, I don't like
16 what you said but -- Mike, I don't like what you
17 said, but I recognize your right to say those
18 things. Like that lady up here said that buying
19 that -- I am really a huge big environmentalist,
20 you know. I believe in alternative energy. You
21 would think this guy is -- like supports Bernie
22 Sanders, he supports alternative energy, he would
23 be whole hearted for the wind projects. Well,

1 guess what, folks? I saw what it did down in
2 Varysburg. It tore the town apart, you know.
3 Has anybody stood under a windmill? And so can
4 you tell me it's not noisy? And the gentleman
5 here talked about birds. I mean, I did some
6 research the past two days, and in the plateau
7 where the things are they did a five-month study.
8 It killed over two hundred birds and over four
9 hundred bats in that time frame, so please don't
10 tell me it doesn't have an effect on the
11 environment.

12 What is happening to the wind companies,
13 most of them are owned by foreign governments,
14 you know, foreign owned. This one I think is out
15 of England. They may have people that are based
16 in America. They are getting incredible tax
17 breaks that you and I are paying. There is
18 actually three things, federal tax breaks, state
19 tax breaks that Cuomo gave because obviously he
20 wants, you know, more things, but he also gave it
21 to all his buddies that are in the energy
22 business. And basically, you know, the
23 company -- well, the company is run by Wall

1 Street, things like Goldman Sachs. Do your
2 research. You know, people like Warren Buffett,
3 all these people are pouring money into it.
4 Well, because they want to save the environment,
5 they want to help out, right? No, they want to
6 make money. They get all these tax incentives
7 and tax breaks.

8 And even like I said about the local taxes,
9 what they do, folks, is they come out and they
10 look at areas, you know, in New York State. And
11 it's a whole -- you know, you can go on the net.
12 All of New York State is fighting. Some are, you
13 know, literally like I said, tearing communities
14 apart. Randolph right over here decided they
15 weren't going to do it. They said no, we're not
16 going to do it. The entire County of Livingston
17 put a moratorium, no windmills, we're not going
18 to mess with it and the whole county. That is
19 why they kind of moved over to Wyoming County and
20 Varysburg.

21 From an environmental thing, these things
22 are not efficient. They don't make that much
23 electricity. So again, you say we -- if they are

1 not making money off selling electricity, what
2 are they making money off of? Well, it's the
3 taxes, is what they are making money off of. You
4 can ask this gentleman how many millions of
5 dollars a year is this wind farm going to
6 generate for his company, and probably an
7 average, probably about seventy-two million
8 dollars a year, so what they do is they target
9 the poor communities in New York State. You
10 don't see these like in Williamsville or Clarence
11 or down in Chautauqua Lake. You're not going to.
12 Those people are smart enough to say we're not
13 going to have them here, you know, take them
14 someplace else. So what do they do? They go to
15 different communities and they say oh, these
16 people are really dire needs, which we are.

17 AUDIENCE MEMBER: We got a time limit here?

18 TINA GRAZIANO: He's got a right.

19 AUDIENCE MEMBER: Are we going to have one guy talk
20 all meeting?

21 DANIEL SPITZER: Okay. Okay. Okay. Let's -- let's
22 -- let's have respect for each other. The answer
23 to your question, sir, is yes, we did ask people

1 to keep the time to three to five minutes.

2 Really -- I really do want to give everybody a
3 chance to speak.

4 JUDY WOJCIK: He has good points. I would let him
5 finish.

6 DANIEL SPITZER: Are you near wrapping up?

7 MICHAEL GARRETT: I'll ask that we have everyone do
8 some research, go on the net. This one gentleman
9 here, a pretty nice man, the superintendent, he
10 said that the property values wouldn't go down.
11 I challenge him. I would take you out to dinner
12 at South Dayton Hotel and buy you a fish fry on
13 Friday night, one of my favorite places, if you
14 can give me five examples on the Internet of five
15 things that you can see where the property values
16 don't go down. I can give you almost fifty
17 different sites where property values go down.
18 That is -- you know, I'll be totally selfish. I
19 have a really nice house I bought. Someday if I
20 want to sell that house, guess what, folks, I
21 ain't gonna be able to. And you can go on the
22 net, you can do all your studies you want. So --
23 DANIEL SPITZER: Okay. Again, if anybody doesn't

1 have a chance to finish, when they have -- think
2 of something else they want to add, let's get
3 everybody a chance, and then we'll start again at
4 the end. Did you want to respond to some things?

5 MARK LYONS: If I could briefly respond, there were a
6 number of issues that the gentleman brought up,
7 and certainly I appreciate your --

8 MICHAEL GARRETT: I have one more. The Massachusetts
9 study, that was funded by the state and that's
10 the only study in the United States that's been
11 done. There's plenty of studies being worked on
12 right now, but the -- to say it doesn't exist,
13 there's not a study --

14 DANIEL SPITZER: With due respect, and I don't speak
15 for the company, Mark and I were both present
16 that meeting where wind turbine syndrome was
17 invented. Nina Pierpont, she spoke about it at a
18 meeting in the Malone area. She was opposed to a
19 project in Clinton County. Nina is an individual
20 who is an ornithologist going back to John
21 Hopkins to become a child pediatrician and she
22 and her husband were opposed to a project going
23 on that did not go forward. Actually, I got

1 the -- with respect to the Town of Malone and her
2 study which has never been peer-reviewed of this
3 disease, she has no background in vibro disease.
4 There are in fact twenty studies that say wind
5 turbine syndrome is not -- Ontario has said it,
6 Australia has said it --

7 MICHAEL GARRETT: All overseas stuff. Who funded
8 those studies?

9 DANIEL SPITZER: With due respect, sir, there's never
10 been a peer-reviewed study that those -- these
11 turbines cause some kind of vibroacoustic disease
12 that Miss Pierpont alleges. That's what is --
13 what he is referring to.

14 MICHAEL GARRETT: For years people were getting sick
15 in a certain part of Connecticut and they
16 couldn't say why are the people getting fatigue
17 and rashes and all this. It took them years to
18 find out it was this little bitty tick that came
19 off a deer so they named the thing after the --
20 Lyme and now it's called Lyme disease.

21 DANIEL SPITZER: I think that's a little far.

22 MICHAEL GARRETT: For years they said it didn't
23 exist. They told people oh, you've got the

1 placebo.

2 DANIEL SPITZER: Having a number of friends on Long
3 Island, with due respect, sir, that's plain
4 nonsense. So can we move on?

5 MARK LYONS: In general -- I want to respond
6 generally to this, because first of all, you're
7 certainly entitled to your opinion, but I think
8 it's only fair to everyone who is entitled to
9 their opinion as well, and the majority of the
10 town gets to decide what happens in the town.

11 To clarify that, there's nothing hidden or
12 secret or mysterious about this, and I think the
13 people who oppose wind energy for the very reason
14 that you said up top is that you don't like to
15 look at them, and I respect that.

16 MICHAEL GARRETT: But --

17 MARK LYONS: I think it would be disingenuous to
18 imply we're making tons of money on tax credits.
19 You only earn tax credits when you actually
20 generate electricity. You only generate any
21 revenue from these projects when you generate
22 electricity, so it's a falsehood to imply that
23 all we do is stand them up and make tons of

1 money. If they don't generate energy they don't
2 get it.

3 MICHAEL GARRETT: If they took away tax credits would
4 your company still do it?

5 MARK LYONS: No. The tax credits are important
6 because the primary revenue source is the energy
7 prices and energy prices in New York State.

8 MICHAEL GARRETT: That's why a lot of people --

9 DANIEL SPITZER: This is not a debate.

10 MARK LYONS: There's nothing nefarious, sir. It's
11 simply a question of you get -- you will see
12 windmills. Some people don't like them. I'm not
13 going to tell you if you like them or not. And
14 the town will get a chance in a lifetime of
15 economic benefits. There was milk, there was
16 gas. This is a great opportunity for this town.
17 I believe -- I think we've done a very
18 responsible job of mitigating the impacts of this
19 project and we're offering you the best wind
20 project design for the Town of Villenova with
21 life changing revenue opportunity. And yes, you
22 will see windmills, and that's all there is.

23 DANIEL SPITZER: And, Mark, the first speaker was

1 correct, the town has never said it's in favor of
2 this project, so nobody has made any decisions
3 yet and the town --

4 TINA GRAZIANO: I have the notes from the meeting.

5 DANIEL SPITZER: I just want to make sure you know
6 and the community knows neither town has ever
7 said we want this.

8 JUDY WOJCIK: So when will we get the chance to say
9 anything about it?

10 DANIEL SPITZER: Who else wants to speak who hasn't
11 spoken yet? I'm going to go one, two, three,
12 four, and then one, two, three, four. Come on
13 up, sir.

14 DAVID IVETT: David I-V-E-T-T. I'm a third
15 generation that lives in this town. I happen to
16 love this town. My daughter and son-in-law moved
17 back here four and a half years ago and built a
18 very nice house for which they are paying taxes
19 on.

20 The last meeting Mike Walker got up here and
21 said we don't even have a pot to shit in. That
22 bothers me. I got to looking around at what we
23 got in town. All we got is the funeral home and

1 I realized we're a very poor town. I think
2 there's a serious problem with the future of
3 Villenova. I went up and met with the tax
4 collector or assessor on Tuesday. Do you folks
5 realize that we have ninety-five gas wells in
6 this town? Gas wells pay taxes. They pay taxes
7 based on revenue. The revenue, because of the
8 price of gas, is going down. We're losing ninety
9 percent of that revenue in those gas wells. That
10 means people left are going to be paying a lot
11 more taxes.

12 We need windmills in the Town of Villenova.
13 We need development. I don't care what it is,
14 but we need something going on. You folks need
15 to go home, call your kids and call your
16 grandkids and talk them into coming back to
17 Villenova, because we need the assessment. We
18 need it for our future. I'm in favor of
19 windmills. We need something in Villenova or we
20 won't exist as we are today. If we don't get
21 something here our taxes are going to go out of
22 sight. If you got your school taxes, they were
23 up. And they were up because our equalization

1 rate has changed and we're paying a bigger piece.
2 Earlier we were told that this is going to give a
3 million dollars to local citizens. We need it.
4 We are a very poor town.

5 DANIEL SPITZER: Sir? You stand up. And then after
6 him, you go, sir.

7 STEVEN CROWELL: My name is Dr. Steven C-R-O-W-E-L-L.
8 We're four generations on the same property on
9 Dye Road.

10 So I don't live currently here because I'm a
11 pastor over in Alfred. Let me tell you what I
12 saw as I was driving on the interstate. Miles
13 and miles and miles of lines, of electrical lines
14 where they clear-cut lines. We see massive tall
15 structures. We have become accustomed to these
16 so we no longer complain about what is out there.
17 Just walk down your own road. You have telephone
18 poles. You go to the rich communities you don't
19 have that because they put them underground. We
20 need something, as my friend was just saying, to
21 come here.

22 I hope to retire back into this community in
23 eight years, but I'm still a landowner here and

1 my children have lived here until just recently.
2 I believe that this -- and I've done my research
3 on the Internet. I've done my research in other
4 locations. Doing my doctoral program I was
5 always taught by instructors, beware of what you
6 find on the Internet because you'll find
7 everything, pro and con. So you do have to do
8 your research, and you do have to do your
9 studies. I did sign the land contract. I signed
10 it because I did my research and I continue to
11 support this project.

12 DANIEL SPITZER: Sir?

13 ANGELO P. GRAZIANO: Angelo P. Graziano. Were you
14 saying something about voting yea and nay? Could
15 you repeat that?

16 DANIEL SPITZER: So during the first speaker's
17 commentary, she said that Mr. Lyons had told the
18 IDA that both communities were fully behind the
19 project, and I wanted to make sure the
20 communities understand that neither town board
21 and neither community has ever voted yes or no on
22 this project. They moved the project through the
23 process, particularly Villenova, but no community

1 has asked and no community has said it is --
2 wants or does not want the wind farm. That's
3 what I meant.

4 ANGELO P. GRAZIANO: I did ask. I did ask for a
5 vote. I asked Don here, and --

6 DANIEL SPITZER: As Don can explain to you as your
7 main attorney, you can't say yes to anything like
8 this until the environmental review is done.
9 It's just not allowed under state law.

10 ANGELO P. GRAZIANO: With that being said, after the
11 environmental review is all done and everything,
12 is the town able to have a vote at that time?

13 DANIEL SPITZER: Absolutely. Generally what the rule
14 is is you have to wait ten days after the FEIS is
15 issued. Ten days after that you and the Town of
16 Hanover can vote.

17 ANGELO P. GRAZIANO: And they could have that vote
18 any time or have to be a certain time after that
19 meeting?

20 DANIEL SPITZER: Well, I don't think that. There's a
21 requirement. You're supposed to act on
22 applications within a certain period of time,
23 generally sixty-two days after a public hearing

1 is closed, but when you have a process like this,
2 you -- the seeker interrupts that. For a general
3 rule, most communities try to act -- you can act
4 less than ten but they try to act within thirty,
5 so most communities have it at first or second
6 board meeting, but that's also when the
7 decision -- quite often you'll have a meeting
8 first with the attorneys and you'll say here's
9 what we're thinking, so the attorneys and the
10 engineers can draft a statement of finding that
11 supports the decision, and then issue the
12 decision, so this -- it's a process that the
13 board can work through.

14 ANGELO P. GRAZIANO: Great. Thank you very much.

15 DANIEL SPITZER: This gentleman next, and then over
16 there. Sir, in the hat in the back?

17 HOWARD CROWELL: Can I come to the front, please?

18 DANIEL SPITZER: If you'd like to, absolutely.

19 HOWARD CROWELL: Howard C-R-O-W-E-L-L. I live just
20 up the road a mile in Forestville.

21 That's what one looks like, environmental
22 impact statement. There's a lot to it. Believe
23 it or not, I read most of it. And if I step on

1 your toes, let me know. There's a lot of stuff
2 in there, a lot of stuff you haven't thought of,
3 and it's pretty thorough. I mean, there's stuff
4 in there you wouldn't even find on the Internet.
5 You talk about acoustical effects on bats. They
6 look at the -- I'm sorry. Earthquakes, that kind
7 of stuff and if there's a -- I'm sorry. If it's
8 relevant then they look at immediate --
9 mitigation, and they try to figure out what it's
10 going to take to get this thing fixed, but
11 that -- what hasn't been talked about in this
12 impact statement that he talked about, the
13 community. He looks at community before and
14 after compared with the wind farms downstate,
15 looks at the population growth, median income,
16 value of homes, your taxes before and after. And
17 one thing that I found out in there, that if you
18 live in a town with windmills and your taxes --
19 the local taxes take a substantial cut so it
20 affects your taxes. Your property taxes seem --
21 or, your property values seem to go up because
22 there's people wanting to live in a town where
23 there's low taxes. And that's -- I ain't gonna

1 go much more into that, but you have some other
2 stuff here on the -- from the impact statement.

3 Those of you who don't know, I'm Howard
4 Crowell. I grew up in Villenova. I went to
5 school here, owned land here, raised a family
6 here. I pay taxes here. I'm not getting a
7 windmill. My father, he grew up here too. He
8 was the town supervisor for twenty-four years.
9 He was a councilman before that, did all the book
10 work. And his father, my grandfather, was the
11 highway supervisor for most of his adult life. I
12 grew up in a house where conversation about town
13 business was normal. There was always something
14 going on, bills to pay, payroll to make out,
15 people stopping in, asking for advice, looking
16 for answers.

17 I remember one gentleman in particular came
18 in one night. His wife -- his mother had died
19 and he had a grave opened in the hamlet cemetery.
20 The equipment was too big to get in there. He
21 didn't have too much money to get in, didn't know
22 what to do or where to turn. My father said
23 don't worry about it. As soon as he left, we

1 were out the door with a couple shovels and a
2 pick axe. Before I graduated high school, I had
3 dug two more. Community service before there was
4 a name for it. We didn't do it because we wanted
5 to. We did it because it had to be done. We
6 didn't have -- we didn't have to do it. We had a
7 lot of other things to do. We had a farm to run.
8 There was a lot of farms around back then, dozens
9 of them. Look around now. How many do you see?
10 Has anybody counted them? It doesn't take much.
11 You can raise one hand counting the number of
12 farms still shipping milk in this town right now.
13 That's what I come up with, unless I counted
14 wrong.

15 We need to do something. My son Phil, he
16 bought thirty acres and built a house in this
17 town, wanted to raise a family. He's not here
18 anymore. He found out after a few years you
19 can't make a mortgage payment and feed a family
20 on a local job. He moved to Buffalo. His two
21 sons that -- two sons used to get together at my
22 house every night from the school bus, they now
23 go to Frontier School.

1 A little over a year ago my wife and I, we
2 took a trip down to Orangeville, looked at the
3 windmills down there, got out of the car, walked
4 over, stood underneath one after getting --
5 taking pictures, stood underneath it. Yeah, you
6 can hear it, but the conversation didn't get
7 interrupted. You could hear the cars. They were
8 making more noise than the windmill was. We
9 stopped at the local farmer, talked to him. He
10 said without those windmills he wouldn't be
11 farming still.

12 Back in 2008 I was on town board when we had
13 a visitor from Town of Castile. He came up.
14 They just got windmills the year before. He
15 talked about how it reduced the taxes to nearly
16 nothing. They finally got enough money to update
17 their farm -- or, the town equipment and got some
18 road built. He was all in favor of it. Wouldn't
19 it be nice to do that here?

20 I sit in this church where I went to Sunday
21 school and here's the man across the room talking
22 about him moving into town for his retirement
23 home. He's moved here because of the people and

1 our great views and he tells us we can't do this,
2 and I say to him, welcome to Villenova. Enjoy
3 your stay here, but don't tell us what we can't
4 do.

5 DANIEL SPITZER: You'll get a chance at the end. I
6 promise. Yes, please?

7 DIANA ERMER: My name is Diana Ermer and I live up on
8 Round Top Road.

9 I had a question about the state and
10 government financing. What percentage of the
11 project is being financed by federal and state
12 funds?

13 MARK LYONS: By federal and state funds?

14 DIANA ERMER: What percentage of your actual like
15 construction and the whole project is being
16 financed? I understand that --

17 MARK LYONS: Well, if you say financing funds, there
18 are tax credits. There are payments for
19 renewable certificates, but there is no federal
20 or state funds per se financing the project.

21 DIANA ERMER: That's not my understanding, I thought,
22 but I don't understand how the project --

23 MARK LYONS: We don't get any money from the federal

1 government or the state government to build this
2 project.

3 DIANA ERMER: None?

4 MARK LYONS: Zero.

5 DIANA ERMER: The last -- when -- Duke Power, when I
6 asked them they said they were getting -- they
7 were getting government money.

8 DANIEL SPITZER: What they were talking about was the
9 federal tax credit. If you have a company like
10 GE Capital or hedge funds, they are what's called
11 the tax equity investor and they will give you as
12 the developer of a project funds in return for
13 receiving those tax benefits later on, and so
14 what you're doing is in effect selling the tax
15 credits in advance. However, the federal
16 government doesn't write a check and the state
17 government doesn't write a check for anything
18 other than what Mark said, energy when it's
19 produced.

20 DAN BOYD: 2008 was a very different time -- Dan Boyd
21 from Renewable Energy. As we all know, 2008 was
22 a very different time. At the time there was the
23 ARRA, the American Recovery Act, whatever it was,

1 and at that time in order to spur growth there
2 was no -- no one making any money, no
3 corporations. None of us were. Taxes were done
4 so there was no way to monetize tax credits at
5 that time, so in order to spur growth when they
6 were throwing money into our roads and into our
7 infrastructure -- which is great for all the
8 jobs. When they turned it into -- the tax credit
9 into a cash grant for that one year in order to
10 spur things moving again, so back then that was
11 the case. That hasn't been the case for years.
12 There's no direct funds coming.

13 DANIEL SPITZER: That's correct. And what happened
14 was they -- if you took that cash grant and you
15 didn't get the federal credit per kilowatt, but
16 to the extent you're saying on federal government
17 financing it, they are advance selling the tax
18 credits that they would earn from the federal
19 government to a tax equity investigator, usually
20 or maybe --

21 DAN BOYD: Could. Could.

22 DANIEL SPITZER: You have to understand, as was
23 pointed out by I think it was this lady, this is

1 one of the largest corporations in the world and
2 they -- some of these large corporations do
3 finance these wind farms off their balance
4 sheets. So they may not have any financing, they
5 may just run the things going forward. It's --
6 it's a -- definitely the finance is complicated,
7 there's no question about it. The comment that
8 the gentleman and some other folks made that the
9 finances is an important part of it, but at the
10 end of the day it's a project to sell energy and
11 it only makes money if it sells energy, and
12 that's true of every wind farm.

13 I can also confirm, having represented the
14 developer in the Varysburg situation which is
15 Orangeville, both Sheldon and Orangeville have
16 pretty much eliminated their local town tax and
17 the property values overall have gone up. So
18 that's the kind of thing you can also look up on
19 the Internet.

20 Who else would like to go who hasn't had a
21 chance to speak yet? Yes, sir.

22 SCOTT CAMPBELL: Scott Campbell. I live on Fluker
23 Hill. I grew up in Gowanda. I moved to

1 Connecticut, spent a lot of my life in
2 Connecticut, came here without Lyme tick disease
3 and decided I would buy some land, which I did,
4 built a home. And I'm going to look at this Ball
5 Hill wind project and I don't mind that. I stood
6 under windmills down in Pennsylvania and listened
7 and had a conversation with my wife. And just as
8 Mr. Crowell said a minute ago, nothing got in the
9 way of it.

10 I'm concerned because this town has nothing
11 for a tax base. We have no high-speed Internet.
12 We sure as heck are not going to attract
13 businesses without that. And as Dave Ivett said
14 a moment ago, we've only got a funeral home. We
15 need something and this project is going to bring
16 money into this town and it's going to reduce our
17 taxes. If we don't get it they will go someplace
18 else.

19 I have solar energy. I got solar energy
20 with -- I have solar panels on my barn. I got
21 tax credits. I also paid for those tax credits
22 through my taxes, so this company which is
23 privately owned is doing the same thing on a

1 larger basis. There's no argument there. The
2 money is there. They're taking advantage of it.
3 People who are putting up solar panels and wind
4 towers are going to take advantage of it. If you
5 don't, it's your -- your money gone. So I'm
6 going to look at those windmills from Fluker Hill
7 and I'm going to see a lot of them. And as has
8 been said before, beauty is in the eye of the
9 beholder. I happen to like them. I happen to
10 like how they look. I had six cars stop on my
11 road today where I live and look out at the
12 beautiful foliage. It is drop dead gorgeous. In
13 my opinion, those windmills are not going to
14 detract from it, but they are going to reduce my
15 taxes and for that I'm grateful. I support this.

16 DANIEL SPITZER: Yes, sir?

17 DR. CHARLES TENEYCK: Doctor Charles T-E-N-E-Y-C-K.

18 Like many of you, my family property goes
19 back to the -- they bought it from the Holland
20 Land Company. My family -- family has been here
21 forever. I live on a very small piece of that
22 property that's left. Pieces got sold off when
23 one generation went out of farming and people

1 died and they left -- actually, I'm told that at
2 one time we owned all of Round Top Hill. I'm
3 also told that one of my forbearers owned -- in
4 fact, I've seen a photocopy of the deed that he
5 once owned what is now Wall Street. If that was
6 still in the family I wouldn't be worried about
7 windmills.

8 In either case, I have not made any money on
9 this stuff, but I'm still there. I moved down
10 here after retiring recently, a few years ago.
11 It was always my dream to come back to this area
12 where my forbearers lived and plowed the dirt and
13 milked the cows, you know, all the rest of that,
14 so I have that kind of an emotional investment in
15 this situation.

16 About eight years ago about the time --
17 well, seems like a long, long time ago in a far
18 away galaxy, but my wife at the time wanted to
19 put in a new carpet, wall to wall. To her credit
20 she asked for my input. Due to my stupidity I
21 didn't give her any. Not long after that I came
22 home one day in the evening and I had this
23 reaction that I -- I thought I was going to

1 upchuck. It was the most hideous ugly carpet I
2 had every seen in my life. I -- you know when
3 you're so upset you don't even know what to say?
4 You can't even yell, you can't even swear, you
5 can't do anything. That's how I felt. About
6 eight years ago I got a picture of the map of
7 turbines from at that time Duke Energy and I had
8 the same damn reaction. I'm sorry, Lord. I had
9 the same reaction. It was a gut reaction that
10 almost made me sick, because I realized I was
11 going to be and still gonna be if this goes
12 through right almost dead center in this. And
13 the first thing that occurred to me is, my back
14 porch, really my peace of piece and rest with a
15 beautiful view and trees and all that, there's
16 going to be one big turbine right in front of me.
17 And that's all I could think of for weeks.

18 I knew that this upset I had my in my gut
19 needed to be tamed. We had a saying in the
20 Marine Corps. They'd say you always have to keep
21 your head and your gut wired together. If you go
22 with one without the other or the other without
23 the one, you're going to make bad decisions, bad

1 judgments. So I knew I couldn't just go with my
2 gut, my revulsion to what I imagined this thing
3 was going to look like. I knew I had to get down
4 there and get into that -- that thing, for
5 starters, but also research among various
6 institutions and research around the country to
7 -- some of it's been mentioned, by the way. Some
8 of you probably know that just because something
9 is on the Internet doesn't make it true.

10 In fact, that reminds me of Mark Twain,
11 something he said. He said once it's not what
12 you know that gets you in trouble, it's what you
13 know that just isn't true that gets you in
14 trouble. So I knew I had to calm my gut down and
15 when it got calmed down enough over this shock I
16 began to do the research. And like many of the
17 rest of you, I spent weeks and weeks and weeks --
18 yeah, I know, I need to get a life. But I read
19 that whole damn thing. I was very impressed by
20 it. And I wasn't just impressed by the job that
21 these people did, as Mr. Crowell said -- Crowell.
22 Mr. Crowell said, they have studied stuff in this
23 town that would never in a million years occur to

1 you. That's how in depth this thing is. But I
2 was impressed by the depth in which they studied
3 this, but I'm not a fool. I've worked for a long
4 time in corporations and I know that they don't
5 have your best interests necessarily in mind.
6 It's not because they're crooked, it's not
7 because they're evil, it's not because of any of
8 those things, it's because their job is to make
9 money for their constituents that they represent,
10 their fiduciary responsibilities, required to do
11 that. That doesn't mean that they are concerned
12 about the things we're concerned about, but it
13 should make you skeptical enough that you want to
14 question them and that's why they're here, so you
15 can question them.

16 But within that study other people have been
17 questioning them that represent you and I, such
18 as the Army Corps of Engineers, the Environmental
19 Protection Agency, our own conservation, New York
20 State Conservation Department, the DEC, the
21 county IDA. I mean, they are all listed in
22 there. If you take the time to look at it, there
23 are a lot of people plus your town attorney who

1 represented our interests who have really put
2 these people -- I don't know. I'm surprised
3 you're still alive, to tell you the truth. I
4 can't imagine you're going to -- well, you'll
5 survive it because you've done it before, but
6 it's unbelievable. But I take great solace in
7 the fact that they had to not only be accountable
8 to our wishes and our interests and our concerns,
9 they had to be accountable to all these other
10 agencies, the U.S. Agricultural Department --
11 there's a whole -- all kinds of agencies that
12 represent the interests that we have that they
13 had to be accountable to, so I take solace in
14 that.

15 I have no problems with any of the concerns
16 that other people have raised about this. I'm --
17 well, I wouldn't in the new -- the new project
18 that RES has proposed we're not going to have
19 nearly as many turbines. That's good news to me.
20 But I'm still going to have that one off my front
21 porch, so -- story of my life. But as I was
22 doing the research and my gut calmed down and I
23 got to a point in where my head and my gut got

1 wired together, I said there's two other
2 concerns. I have -- I'm okay with the project.
3 I have no concerns about birds or bats. And it's
4 not that I'm not a nature lover, I mean, or I
5 wouldn't be living where I live. It's just that
6 I -- I'm satisfied with the research and the DEC
7 and all the rest of it that this stuff is okay.

8 But I have two other concerns. The first
9 one was, you know, this is pretty selfish of me
10 at my age to just be thinking about how I feel
11 about this, so I decided I better talk to my four
12 adult children. And it was very clear to me what
13 they want. Now, when I step out of this
14 adventure we call life, what am I going to leave
15 them? So I surveyed my four children. They're
16 adamant they want it. Why? Because we want to
17 do what's right for the planet. Those are my
18 children. They are the ones who are going to
19 have to live with all this stuff, not me. So I
20 thought I'm being selfish, I need to see what
21 they want. They want it. And then that brought
22 me to a place where I said, you know, for me --
23 and I'm only speaking for myself, but there's a

1 moral argument in support of this wind farm and
2 it has to do not only with the future of --
3 economic future of our area, but just as
4 importantly, because I think the economic future
5 of our area depends on the other, which is our
6 environment and our planet. So for me when I'm
7 long gone and my kids are sitting up here on the
8 hill and they are reminiscing about old dad, I
9 want them to be able to say, you know, dad voted
10 for the future, and so that's what I'm going to
11 do. Vote for the future.

12 Finally, about the rug, I got calmed down
13 after that but I noticed something else, which I
14 think someone who has already mentioned it or
15 alluded to it, that after about six months I come
16 home, I never noticed the rug. I -- it kind of
17 disappeared from my -- and we know from
18 neurobiological studies of the brain that the
19 brain is elastic. We adapt. Human beings
20 survive and advance because we're able to adapt.
21 And I'm sure you don't pay any attention to the
22 telephone poles as you mentioned out on your
23 highway when you're driving along. You're not

1 going pay any attention to these windmills.
2 Except I guess personally, I've visited several
3 wind farms here in New York State and out west
4 and I've come to see them as a kind of beauty.
5 They are beautiful. And I know some people will
6 say I'm crazy, but if you've seen them and been
7 around them for any length of time they are
8 beautiful.

9 What I learned is, all of this comes to what
10 I'm celebrating today finally, which is -- some
11 of you may know this, my man, my main man Bob
12 Dylan won the Nobel Prize in literature. And one
13 of his songs, some of you remember, one of his
14 great songs was The Times They Are A-Changin' and
15 the song is that if you don't get on board you're
16 going to be left behind. I'm on board with this
17 project. Thank you.

18 DANIEL SPITZER: This gentleman, and then the
19 gentleman in the back, and then over there.

20 SKIP TAYLOR: How do you follow that? Almost
21 impossible. This doesn't involve me -- excuse
22 me. I needed to stand up. My legs are tired.
23 Skip Taylor.

1 I talked to some of the neighbors and one of
2 them has a problem, it's called a manure spreader
3 and when he goes out there with that manure
4 spreader for like ten minutes, after a while you
5 don't -- you don't really notice it. You get
6 used to it. So they say an undertaker takes
7 about ten minutes before they go into the corpse
8 and it's really stinky, you don't smell it no
9 more. This isn't about me. I'm going to be
10 looking at these windmills. I -- you know, I'm
11 not going to go too far in because I think
12 everybody has already said what needs to be said.
13 Villanova needs money. It's not about me. My
14 neighbor with the manure spreader needs cows. It
15 isn't about me. And I can -- I can look at me,
16 myself, you know, or I can say what does this
17 village need. I haven't been here that long but
18 I pay taxes here. I talk to people here. Is the
19 highway superintendent here?

20 MICHAEL EMKE WALKER: I'm the deputy.

21 SKIP TAYLOR: How big is your fuel tank, big ones?

22 MICHAEL EMKE WALKER: Yeah.

23 SKIP TAYLOR: I've got a thousand gallon. One day I

1 can spend three thousand dollars getting my tank
2 filled. I've got machines that each tire costs
3 two thousand dollars. One day after I got the
4 fuel tank I had two lines I had to replace on a
5 piece of machinery and it was fifteen hundred
6 dollars. Do the figures. That money has to come
7 from someplace. The manure spreader -- the money
8 has to come from someplace. In Villenova, the
9 money has to come from someplace. Well, like
10 the -- we like the roads. As someone said, we
11 like to have them plowed in the wintertime, we
12 like this, we like that, but the money has got to
13 come from someplace. It's not about me, what I
14 like or don't like. Let's think about Villenova
15 for a while. What can we do to support and help
16 Villenova where we can have good snowplowing, we
17 can -- jeez, I went down there it's too bad the
18 highwayman isn't here. The grass was that high
19 in front of the city town hall and, you know, he
20 said you were almost going to get the baler. We
21 need people and we need equipment to keep this
22 village running properly. And just think about
23 it, you know. I'm not telling you to go --

1 everyone think about Villenova. What can we do
2 for the village, not what the village can do for
3 us. That almost sounds familiar like something.
4 Thank you.

5 DANIEL SPITZER: Yes, sir?

6 JARRATT TUNSTALL: J-A-R -- Jarratt Tunstall,
7 J-A-R-R-A-T-T, T-U-N-S-T-A-L-L. I just have a
8 real quick question.

9 If we're not included in the payment for the
10 turbines we're not included in the project,
11 what's the percentage of our taxes that should go
12 down?

13 DANIEL SPITZER: Well, it's a good question, because
14 people are tax -- about tax increases and
15 there's --

16 JARRATT TUNSTALL: Let's assume a certain amount of
17 money comes into the town, what happens to that
18 money? Is that a guaranteed amount?

19 DANIEL SPITZER: Well, yes. The amounts that are
20 proposed in the application are a guaranteed
21 amount by contract.

22 JARRATT TUNSTALL: So you should have those numbers?

23 DANIEL SPITZER: Let me finish what I have to say,

1 sir.

2 JARRATT TUNSTALL: Okay.

3 DANIEL SPITZER: The amounts that come into town,
4 each town board has to decide what to do with
5 that money. In the communities that were
6 mentioned, those town boards used the money to
7 reduce the taxes. In some cases to zero, but no
8 one can promise you what a future town board
9 would do with taxes. To answer your question,
10 what's the total general highway fund budgeted to
11 the town?

12 MARK LYONS: Five -- the general fund is five hundred
13 ninety-nine thousand.

14 DANIEL SPITZER: So the general find is about six
15 hundred thousand. The payment to the town that
16 is in the contracts?

17 MARK LYONS: Three sixty.

18 DANIEL SPITZER: If the town board did what other
19 town boards have done, I would expect the voters
20 in the town are going to elect people to do, then
21 your taxes would go down by about sixty percent.

22 JARRATT TUNSTALL: I mean, does that take into
23 consideration the tax base of everybody that pays

1 for tax in Villenova?

2 DANIEL SPITZER: Yes.

3 JARRATT TUNSTALL: My personal taxes would go down
4 sixty percent?

5 DANIEL SPITZER: All other things being equal -- if
6 you put on a much nicer addition than your
7 neighbor does your share of the taxes obviously
8 goes up because your assessment goes up. But all
9 other things being equal based on the current tax
10 base, if you have the expenditures at the same
11 level and you receive a certain amount of money
12 in, then it reduces the money that has to be
13 raised by a levy and the amount from what I'm
14 hearing is of a six hundred thousand dollar
15 budget, three hundred sixty dollar payment to the
16 town, that's about sixty percent.

17 JARRATT TUNSTALL: Per household?

18 DANIEL SPITZER: No. The -- well, yes, across the
19 board. So yes, per household.

20 JARRATT TUNSTALL: My taxes should go down sixty
21 percent?

22 DANIEL SPITZER: All other things being equal, that's
23 what the numbers relate to.

1 JARRATT TUNSTALL: Okay. Only the town tax, not the
2 school tax?

3 DANIEL SPITZER: The way the school taxes work as a
4 general rule, though, when a school by law
5 receives any money from a municipality they have
6 to reduce the money they need from a tax levy.
7 The schools are allowed to set out a certain
8 amount of money as controlled by the tax cap, and
9 if they receive revenues they actually figure out
10 all the revenues other than taxes first, and then
11 what's left is the tax levy. So if they have
12 revenues other than the taxes, that should reduce
13 the taxes. Now, what it is across the particular
14 school districts, I have no idea.

15 MARK LYONS: I just wanted to clarify that. In
16 addition to the three hundred sixty thousand,
17 plus minus, that would go to the town, and that's
18 what we're talking to this gentleman about. It
19 would also be PILOT payments made to Pine Valley
20 and Forestville School District and the County of
21 Chautauqua.

22 DANIEL SPITZER: Right. So over and above.

23 JARRATT TUNSTALL: Is that a prorated amount?

1 DANIEL SPITZER: It's --

2 MARK LYONS: It's actually fixed by the taxable
3 locations that are part of the --

4 DANIEL SPITZER: So the first year the project goes
5 on the books you look at the taxes, what
6 percentage of school, what percentage county,
7 what percentage town, and that percent gets
8 locked in. And the reason for that is because
9 towns reduce their taxes. So if you did it every
10 year the town would get less money under the
11 PILOT in the future, so what the IDA does is
12 locks in the amount prior to the allocation. And
13 so yes, it will be fixed at a date in the future
14 based on the tax at the time the project goes
15 online.

16 JARRATT TUNSTALL: So it's not prorated, just a flat
17 fee?

18 DANIEL SPITZER: The total amount of the money, the
19 share of the PILOT between the town, the county,
20 and the school is a prorated amount based on the
21 tax rates of the year the project begins.

22 SCOTT CAMPBELL: Okay. Clarification. That money,
23 three hundred sixty thousand dollars, is that a

1 requirement that it reduce the taxes or can that
2 -- is that determined by the town board?

3 DANIEL SPITZER: The town board. Yes?

4 RICHARD CRABBE: I'm Richard Crabbe. I own some
5 property up on Hopewell Road. I'm out of West
6 Seneca, New York.

7 I got a couple questions, one of them with
8 the taxes. Would that be at the start of their
9 project or after the twenty years.

10 DANIEL SPITZER: So the way the host agreement
11 generally work and the way pilots generally work
12 is once the project starts then they become
13 liable for the payments and usually the next tax
14 year that you see the benefits. So with the
15 PILOT amount, it's every March 1st is when you
16 look at the value of the agreement, and so that's
17 when it goes into effect, but the tax roll that's
18 set on March 1 is your next year's town taxes, so
19 there's a lag depending on when the project
20 starts. Generally if the project was built in
21 October 2017, you would get the first payment in
22 2000 -- October 2018, is generally what is
23 proposed.

1 MARK LYONS: But it would be every year.

2 DANIEL SPITZER: That's a good point. It's every
3 year then and not -- for twenty years. The PILOT
4 is for twenty years. The host agreement to the
5 town is for the life of the project.

6 RICHARD CRABBE: Then after twenty years it could
7 conceivably go up based on the assessment of the
8 windmills?

9 DANIEL SPITZER: Yes -- or, no. The way it works if
10 the assessment -- they start paying town taxes
11 you don't get a double benefit. The host
12 agreement goes down by the amount of the taxes.
13 The host agreement has inflation built into it,
14 so after five years it starts to go up that
15 amount with inflation every year. But I want to
16 -- by the way, the town has not yet approved the
17 host agreement. This is what is proposed by the
18 applicant. But that level then, at least for the
19 town, is really locked in for the life of the
20 project whether there's a PILOT or not.

21 RICHARD CRABBE: My other question is, is based on
22 how they have transported pieces of the windmills
23 to other projects and the sizes of the roads up

1 in, say, the Buffalo area where they have taken
2 -- come down, say, the thruway, Route 400, gotten
3 off from one of the local roads and then taken
4 the items over to a staging area, I take a look
5 at the roads down here and I can't believe that
6 you can bring -- I'll call it a propeller without
7 doing some massive road improvements.

8 DANIEL SPITZER: Want to describe how that process
9 works? And you're right, by the way. They have
10 to pay for all of it.

11 RICHARD CRABBE: Yeah, because I know one
12 intersection it took them like three hours and it
13 was like basically a four-lane in each direction
14 intersect trying to make a ninety-degree bend,
15 and like up around Pope Hill and Round Top if you
16 were coming somehow up through that direction,
17 that turn, there's no way you could, you know,
18 make the turn.

19 MARK LYONS: Right. I'm sure it's impossible in some
20 places, but this isn't one of those places. So
21 we have -- we have commissioned -- actually the
22 turbine supplier commissions an expert transport
23 study, which is in our application, and it is

1 entirely possible to do. You know, it's not for
2 sissies, but it's, you know, not going to -- but
3 the roads are sufficient. There will be a couple
4 of places where, say, a stop sign needs to be
5 moved for turning radius, you know, may need to
6 be cut a little differently temporarily, but this
7 has been well studied by the certificates and
8 it's entirely feasible to do the transport. And
9 it's in the application.

10 DANIEL SPITZER: Did you have any other questions,
11 sir, before I move on?

12 RICHARD CRABBE: That's it.

13 ELIOT JIMERSON: E-L-I-O-T, J-I-M-E-R-S-O-N. And I'm
14 glad I came tonight to see how many people showed
15 up.

16 I am a member of the Seneca Nation and I
17 live in Versailles on Cattaraugus County. And I
18 don't know if anybody knows the history of the
19 Senecas, but we don't always get to have public
20 meetings to have a say in what they're going to
21 do when it comes to us. If anybody knows the
22 history of Kinzua Dam, I believe there have been
23 people who have benefitted from that energy that

1 was reduced, but we haven't. We have struggled
2 and struggled and got sick and tired of being
3 poor, living in trailers, outside toilets and so
4 on, and some people probably still have that.
5 And so where I'm going with this is that we have
6 had to come to a choice in our lives to make a
7 decision on things. We had family needs and we
8 needed jobs. We needed jobs to produce money to
9 better our lives. And so not only us, we knew
10 that people in the area needed jobs. So when my
11 family got together and voted and we talked about
12 those casinos being built and there's pros and
13 cons to all that too, but it produced jobs. It's
14 up to the individuals what they're going to do
15 with it. You have to be what you're going to do
16 for yourself. And all of this -- even though if
17 it's a casino you can choose not to go, you can
18 save your money, you can do what you want, I do
19 what I want with mine. And so now the Seneca
20 Nation has a lot of jobs. It employs a lot of
21 people. They are a big player in the game in
22 construction and we have only one windmill going
23 up and everybody wished it was more because we

1 had people outside of our territory telling us
2 what we could do and what we can't do. It's a
3 constant fight. I wish these people were here
4 knock on my door ready to put a windmill in my
5 yard rather than someone telling me no, you
6 can't. Because they don't want us to get rich?
7 Maybe, I don't even know. Some of us still are.
8 I'm not.

9 I'm happy with doing what I do. I am a
10 business representative for Local 17 operating
11 engineers, and so when I get the phone calls --
12 which this year wasn't a good year. There was
13 a -- a lot of people out of work I would get the
14 phone calls how they need work, how they needed
15 work and we hear about these windmills. We hear
16 about these windmills that could produce jobs and
17 it's being dragged along, dragged along, and I
18 could retire and live well but I -- the passion
19 for me is to help other people to do better for
20 themselves from my parents -- my parents and
21 their parents, and that we don't like -- we
22 shouldn't have to live poor. We should be able
23 to -- just think, if we do these windmills we

1 could be in here deciding what we're going to do
2 with the money. It's not up to the politicians,
3 we vote them in to do what we want. So then when
4 -- we got to get more involved. And trust me, I
5 am more involved because now we decide what we're
6 going to do with the money and we have grown. We
7 have nice fire hall, top of the line. They're
8 going to buy brand-new equipment, it was just
9 passed in the budget. They signed money over to
10 New York State so that -- you know, we're
11 supposed to be allowed to do certain things, then
12 they break it and we got to fight with them over
13 everything, and yet we still trudge along and do
14 the best for our people and everybody else near
15 us. It's not just for us. When I look out for
16 people it's not just for us, it's people who need
17 jobs.

18 And so that -- I had came here kind of
19 wondering if -- who's going to build them, but I
20 guess it's a little early, because once you
21 decide to I hope I'm going to be involved and I
22 want people in this town if they have the
23 opportunity to build them so they can buy a new

1 tractor, pay for their tractor tires, people in
2 the neighboring areas, not people from Michigan,
3 Massachusetts, Pennsylvania, people from New
4 York, this area. And hopefully it will be with
5 the local trades.

6 So if this is going to bring money into the
7 area so people cannot be so poor and be able to
8 provide -- not only that, I like the idea that
9 it's clean energy. When you talk about the
10 environment with this, but -- you know, with all
11 the other energy we've been having, the planet,
12 my kids, my grandkids. I have nine grandkids
13 and, you know, what's it going to be for them
14 when they get to my age? And that's what we talk
15 about when we talk about spending our money, how
16 we're going to have money for them and so, they
17 can decide what they want to do, if they build a
18 house, they can't come outside one day if we keep
19 burning oil and coal. So just think about
20 everybody, not just ourselves.

21 ROBERT CROWELL: Robert Crowell, South Dayton right
22 here.

23 I know I paid more taxes than anybody else

1 in this county. In fact, in this township. And
2 I think if you add up half the people's taxes in
3 this room I probably pay the same amount. We own
4 fifteen hundred acres and most of it is right
5 here a mile, mile and a half radius, very --
6 don't get very far away from home. The guy that
7 talked about his neighbor was a manure spreader,
8 he better have the manure spreader help clean up
9 the road a little bit. Tina said nothing and she
10 lives right there. I go right by her farm, but
11 it's her road. But it's over two hundred of
12 acres of land we haul manure on and she'll say
13 there's not much manure in that road.

14 TINA GRAZIANO: No. It's pretty good.

15 ROBERT CROWELL: It is, that's what I hear. I've
16 been approached in the last two months here.
17 They're talking about -- you're talking about one
18 town here, but I know there's three towns
19 involved in windmills, one Charlotte, Cherry
20 Creek that's up above us here, Arkwright to your
21 west. My brother had land in Villenova and
22 Chautauqua, Arkwright, that's going to be
23 involved in windmills. But the Charlotte/Cherry

1 Creek people approached me with a map and want to
2 put in a turn corner out here just the other side
3 of the corner from land we bought here in the
4 last year, year and a half, and will go up one
5 road from the other so they can get their big
6 windmill things around. We talked about the
7 corner here a while ago. We would not have them
8 take the road back out, because this is a really
9 terrible corner for tractors or anything. When
10 you're coming out of South Hill you got to be in
11 the middle of the road before you can see by this
12 church and the house next to it, so we will be
13 using that road and not even coming into the
14 corner for all the land we own, which is two
15 hundred and fifty acres up the hill this way.
16 And so that whole traffic, all truck traffic,
17 tractors will not be going up that, coming to the
18 corner going up that way once this gets in.

19 I'm also a representative for most everybody
20 in this room in the Town of Villenova, Town of
21 Hanover. I've worked on the Farm Services
22 Committee, a federal government committee out of
23 Jamestown, and we represent three of us members,

1 a three-year term, three terms, and do all the
2 governing work for the -- the farm service
3 landowners. That's even beekeepers, if you got
4 some bees and they develop disease, we probably
5 can find you some money to get you some more
6 bees. Crops, vegetables, apples, corn and soy
7 beans, all dairy, beef cattle, we -- I've been on
8 the committee for -- this is my seventh year and
9 so we -- I go from Hanover to Frewsberg. I go as
10 far west as -- a little bit further than
11 Charlotte, and then there's one fellow that works
12 the country from Ripley to Silvercreek and a
13 representative who has the agricultural of the
14 dairy farms and the bee farms over in the western
15 part of the county. It's been real interesting
16 for me and I try to -- when we get problems we
17 try to help the farmers work out if there's
18 anything they could sign up for and go to
19 committee and the federal government grants money
20 for or state grants money for. We try to help
21 the farmers get their money for it.

22 So I've got windmills. I think the first
23 thing to do is get the roads fixed, which we've

1 done a lot better year this year than we have
2 sometimes, but we probably have got more to do,
3 and then probably we can work the particular
4 taxes down and so we can have a better living in
5 our town. Most can remember, there's -- the
6 right across the corner there was a grocery store
7 on this corner just the other side of this house
8 here, so we did have businesses years ago that
9 we're talking about didn't, but there's things
10 that -- things grow in bigger communities, then
11 we go further away to get all those things, but
12 it's not that we don't. A better place of living
13 if we can have our windmills and use that money
14 to help to pay the taxes and bring more --
15 anything you want to the community. So thank
16 you.

17 DANIEL SPITZER: Would who like to speak next? Yes,
18 sir?

19 EVERETT WOLFE: Everett Wolfe, W-O-L-F-E,
20 E-V-E-R-E-T-T.

21 And I'm speaking right after Bob here,
22 because my dad and him go back years doing tax
23 assessing together here. And as of right now I

1 rent my farmland that I have, that I got from my
2 dad to Bob and his son. And I'll say nothing
3 against you, Bob, but with a -- yeah, I could
4 hardly pay my taxes just on the property. It
5 just about breaks even. And I left Villenova
6 township to go get a better job working in
7 computers for the last forty years, but this is
8 where I want to come back to retire. This is
9 home and this is beautiful. And like everybody,
10 you know, a lot of us are recognizing we need an
11 industry to come in here to rejuvenate this
12 community. Everything is dying and everybody is
13 having to move away. This will actually bring
14 some technology in to this community and our
15 talented young people won't necessarily have to
16 go clear across the country, you know, to get the
17 job that they want. They can stay, you know,
18 pretty much in the community. We can bring other
19 businesses here and revitalize this community
20 just by the reduction of taxes, you know. They
21 say okay, to reduce your tax -- the town tax by
22 sixty percent. Well, right now my school tax and
23 town tax are right about the same so that says

1 we're probably going to get a reduction overall
2 of at least thirty percent of our taxes, you
3 know, depending on how the supervisors vote on
4 how they want to use the money and say oh, well,
5 now we can maybe use a little more of the money
6 we got coming in, leave the taxes a little bit
7 higher and spend more money on the roads and
8 stuff like that, you know. You're probably not
9 going to get your full thirty percent or whatever
10 off all your taxes, but you're definitely going
11 to benefit from it because that money is going to
12 come into this community and it will help keep
13 our kids, you know, that are moving away in this
14 community and it wouldn't be just us that would
15 learn to love the community if I had to move away
16 and have to wait until we're old enough to retire
17 to come back.

18 So you know, I'm all in favor for these.
19 Just something interesting, I've been following
20 wind turbines for a lot of years and I've gone
21 driving through Texas. Oh, I could get right up
22 to that one so I've actually gone and taken
23 videos right underneath it, listened to them and

1 the sound of the wind blowing by drowns out in
2 most cases any sound made by the turbine. And on
3 Ball Hill you know the wind is going to drown out
4 when the wind is blowing. Either -- it's going
5 to drown out most any other sound, so we've all
6 been there and heard it. And so I don't think
7 the sound is an issue.

8 And just another aside, years ago when I
9 went on vacation to Tehachapi, California, I saw
10 in the paper saying oh, free tours in the wind --
11 in the wind park if you're looking for something
12 to do, and so I called up the number and they
13 said sure, just, you know, when is convenient for
14 you, when can you come down. They showed me a
15 tour of their facilities, monitoring, their
16 maintenance facility with the computers that
17 monitored all, everything. Single tower, how
18 much it was producing, showed whether it was on
19 or off, you know, and then the engineer took me
20 out to a tower and says okay, you know, I'll
21 unlock it, we can go in and look at the
22 equipment, you know, on the ground. And in
23 researching RES back a year or so ago, it's like

1 oh, they're the developer of the wind park in
2 Tehachapi. And I thought well, that's an
3 interesting connection and so -- I mean, I'd
4 rather live in a community that has this white
5 tower sticking up above than living in a
6 community that -- like Los Angeles that has this
7 low gray smog hanging over because of all the
8 pollution. You know, I like what we have here,
9 but, you know -- but on those hot days one
10 request I have is turn those fans on, cool them
11 off a little bit.

12 And one other request I want to present is
13 with the reduction of the number of towers it's
14 kind of -- the distribution of money to the
15 landowners that are directly affected kind of
16 goes -- now all the revenue percentage of the
17 production goes to fewer landowners and I would
18 think the wind company ought of -- ought to look
19 at the distribution of resources of like oil and
20 gas companies where the distribution of funds is
21 based on the radius around a particular tower and
22 its impact, not just the little fifty-foot
23 perimeter thing that the tower happens to sit on.

1 So I would like them to take -- you know, to
2 consider that the distribution of funds other
3 than -- we're all going to benefit from the
4 taxes, but the property owners, you know, by
5 moving things around it's like -- you know,
6 just --

7 MARK LYONS: Thank you for your suggestion, but I
8 just want to point out in a sense we do that,
9 because the town law requires certain setbacks
10 from non-participating properties. Right? If
11 and a non-participating property is a property
12 that's not getting any payments, so it in fact if
13 the turbine is within a certain radius of another
14 property, they will be compensated. They would
15 be included within the project, so we actually do
16 have that sort of a concept.

17 EVERETT WOLFE: But it's basically a flat fee as
18 opposed to oh, well, this radius of this turbine
19 is using this energy just like a gas well and
20 saying okay, this draws from -- this draws from
21 this area, therefore the proportion of the
22 distribution of funds should be relative to the
23 proportion of the land that it's using the wind

1 energy from.

2 MARK LYONS: Right.

3 EVERETT WOLFE: Not --

4 MARK LYONS: Interesting idea. Thank you.

5 EVERETT WOLFE: It's just the gas companies and
6 things like that seem to be further ahead on it.

7 MARK LYONS: Okay.

8 DANIEL SPITZER: Gas companies are set by law. The
9 gas itself is actually under the land but the
10 owner that has the equipment on it gets more
11 money than the people in the field, so the gas
12 industry by law actually works the same way, at
13 least in New York.

14 You had a comment?

15 JOHN HARVEY: John Harvey. I live on Dye Road.

16 I'm in favor of the windmills. I worked on
17 the town board with Mr. Crowell's father.
18 Several years ago I worked as a councilman at two
19 different terms. I can see the government up
20 there struggling more so than what it ever has in
21 the past to make ends meet. We really need this
22 project in this community. And like Everett
23 said, don't -- don't shut the door on

1 opportunity. Take a look at it and see what it's
2 going to do for you. Not only for you, but for
3 everybody here. I think everybody is going to
4 benefit from this and I -- certainly the only
5 thing that I haven't seen from the wind farm
6 people yet is the mechanical areas -- like Eilot
7 said, I'd like to have our Local 17 be involved
8 with that and our local people being apart of
9 this wind farm construction. We have a lot of
10 talent in this area that could be utilized and
11 bring money to this community other than what's
12 going to be impacted with these windmills. I
13 want a fair opportunity and I wish the town board
14 would put this into their structure to make this
15 happen as much as they possibly can. Not only do
16 we need these things for our tax revenue, to make
17 our township a lot better, but we need to have
18 people employed by this -- by these wind farms
19 also.

20 Another thing, I'm hoping that when these
21 turbines go in behind me it slows the air down a
22 little bit. I'm getting tired of getting blown
23 off the hill and having all the snow that comes

1 from the top of the lake because the highest of
2 that lake is right off the back of my house and
3 every year I get buried down there. So I'm
4 hoping these things stop some of that wind from
5 coming over the top of the hill. But I'm in
6 great favor of it and I think if we don't do this
7 that our government -- I know our neighbors are
8 having a really hard time right now in
9 Forestville. They're right on the edge of
10 dissolving their government, in fact, as we speak
11 because of tax revenues and things that went
12 wrong and bad decisions by their town board.
13 It's easy for somebody to sit and criticize
14 something -- than it is to stand than it is to
15 stand up and take part of it and call it theirs.

16 That's all I have. Thank you.

17 MARK LYONS: I just wanted to respond to the
18 gentleman by saying that there are a lot of jobs
19 for a short period of time building the wind
20 farms and we always hire local to the extent we
21 can and we will do so on this project.

22 JOHN HARVEY: I can appreciate that. Thank you.

23 BARBARA WISE: I'd like to make an announcement. If

1 you didn't sign the sign-in book when you came in
2 please sign it when you go out.

3 DANIEL SPITZER: Everybody hear that? I wouldn't
4 mess with her.

5 Who else would like to speak? Yes, ma'am?
6 Well, I'm going to try to get everybody who
7 hasn't spoken yet, if you don't mind.

8 DIANA ERMER: I had a quick question. I was just
9 wondering when it comes to voting is it going to
10 be just the town board or is it going to be the
11 residents voting?

12 DANIEL SPITZER: It's not legal in New York for
13 anybody to have a referendum of the residents on
14 zoning. It's flat-out illegal. It's the town
15 board.

16 DIANA ERMER: And what will happen? Because Sarah
17 LoManto will have to recuse herself from that.

18 DANIEL SPITZER: That's correct.

19 DIANA ERMER: So then we wouldn't have -- wouldn't
20 that make it lopsided?

21 DANIEL SPITZER: It doesn't change the rules. The
22 rules are you have to have three affirmative
23 votes to pass anything. If someone recuses

1 themselves it's basically the equivalent of a no
2 so they need three of the other votes for the
3 project to be applied.

4 DIANA ERMER: Okay.

5 DANIEL SPITZER: Anyone who hasn't yet spoken who
6 would like to go?

7 CHRIS IVETT: Speaking of that -- Chris I-V-E-T-T. I
8 have a concern about the representation. That's
9 exactly what I've been thinking for an hour now.
10 I am a proud supporter of this project. I'm a
11 fourth generation dairy farmer. I am one of the
12 five remaining farms that Howard referred to. We
13 need this. We need it bad. Where representation
14 is concerned, me being a supporter, can somebody
15 please tell me what the difference is between a
16 person taking the -- their position off of the
17 board of representatives because they're a signed
18 supporter versus somebody that stands off and
19 says they have nothing to gain, they have no
20 status or position in the thing? I think they
21 should have a vote, because she represents me. I
22 need that.

23 DANIEL SPITZER: So here is the answer, because it's

1 basically set by state law. An individual who
2 has an interest in a contract with an applicant
3 is prohibited under the General Municipal Law
4 from voting or participating in the contract. If
5 you don't like that rule, think it should be
6 amended, you can take it up with Albany.

7 CHRIS IVETT: That's funny.

8 DANIEL SPITZER: So in terms of the fact that the
9 councilmember did -- the councilmember from day
10 one has followed the rules, followed the law and
11 done exactly what she's required to do.

12 CHRIS IVETT: Which is very respectful.

13 DANIEL SPITZER: And admirable. In terms of the
14 other representation, I think having worked on
15 more wind farms than any other lawyer in New York
16 State, I have never met a town councilperson in
17 favor or against a wind farm who was not acting
18 in their opinion or her opinion in the interests
19 of their community. These are big projects, as
20 the applicant said tonight and every other night,
21 this project will change your community for at
22 least a generation and every elected official
23 that I've dealt with has always recognized that

1 they represent the whole community, not just
2 those who would benefit, not just those who don't
3 want to look at them but the whole community and
4 has to make that same determination. It's kind
5 of good we're in a church when we talk about
6 that, because a lot of that comes in the heart in
7 understanding what's best for your community as
8 we make determination, and I think what -- from
9 working for a lot of those folks, for and opposed
10 to the project throughout the state, they take it
11 very seriously. And I can tell you having worked
12 with this town board for now nine years, and --
13 since '05. I'm older than I think. That every
14 town councilmember I've worked with in this
15 community takes their obligation dead seriously,
16 whether they were in favor or against or not.
17 They have all paid very close attention to what
18 is going on, and understand their obligation is
19 to you. I have no hesitation at least to say
20 that you are well represented.

21 CHRIS IVETT: That being said, I hope councilmembers
22 understand that. Keep in mind when you vote,
23 please.

1 DANIEL SPITZER: Any other people who haven't -- any
2 other people who haven't spoken? Yes, sir?

3 DAN BENNETT: Dan Bennett, Forestville.

4 I just have a question, that's all. Of the
5 three hundred sixty thousand dollars in the PILOT
6 agreement, how much is going to the Town of
7 Villenova, how much is going to the Town of
8 Hanover? I do realize there are twenty-three
9 turbines in Villenova and only six in Hanover.
10 And my other part of my question was, how many
11 property owners is the six hundred and fifty
12 thousand being divided up amongst?

13 DANIEL SPITZER: So in terms of any money that comes
14 to the town, the county, the school taxes, the
15 property owners in terms of the three sixty is
16 that the rent payments or host agreement
17 payments?

18 MARK LYONS: Well, no.

19 DAN BENNETT: The three sixty is the PILOT agreement.

20 DANIEL SPITZER: The PILOT and the host agreement?

21 MARK LYONS: Yes, sir.

22 DANIEL SPITZER: It's the town's share of the PILOT
23 and the host agreement.

1 DAN BENNETT: So that's the total of both towns
2 combined?

3 MARK LYONS: No.

4 DANIEL SPITZER: That is Villenova's share, isn't it?
5 Tonight I've only spoken about Villenova's share.

6 DAN BENNETT: I heard the same thing in Hanover the
7 other day so I'm saying is that three hundred
8 sixty dollars divided up between two communities
9 or only Villenova's share, and then what is
10 Hanover's?

11 MARK LYONS: Of the public money?

12 DAN BENNETT: Of the three sixty.

13 MARK LYONS: The public money is the PILOT payment
14 and the host combined payments, the money that is
15 paid to the town, and that is three hundred sixty
16 thousand, roughly, in Villenova, and about
17 eighty-six thousand additional in Hanover.

18 DAN BENNETT: Okay. And that's every year?

19 MARK LYONS: Yeah.

20 DAN BENNETT: For the life of the property?

21 MARK LYONS: It's smaller because there's six
22 turbines and twenty-three here, and then --

23 DAN BENNETT: That number does not include any -- is

1 that just the PILOT or is that also what's going
2 to the IDA and the county and stuff like that?

3 MARK LYONS: Okay. Let me explain that. The PILOT,
4 payment in lieu of taxes, is a contractual
5 legally binding contract that we signed with the
6 IDA and they distribute that money among five
7 taxing jurisdiction, Town of Villenova, Town of
8 Hanover, Pine Valley School District, Forestville
9 and the county. And as Mr. Spitzer pointed out
10 before, those allocations are based on your tax
11 rates at the time the agreement is signed, and
12 so --

13 DAN BENNETT: So the total is getting divided up?

14 MARK LYONS: The total is divided up. Now, in
15 addition to that share that Villenova gets and
16 Hanover gets, we sign a host community agreement
17 with each town. Under that host community
18 agreement we make additional payments to each
19 town. The county doesn't get any of that.
20 Schools don't get any of that. That goes
21 directly to the town. So when I talk about the
22 public money -- money, I'm saying the PILOT
23 payment share for each town, plus the host

1 community payment for each town, that total is
2 about three hundred sixty thousand dollars a year
3 for Villenova and about eighty-six thousand
4 dollars a year for Hanover. In addition to that,
5 we're going to make about six hundred fifty
6 thousand dollars a year. All of these numbers
7 escalate over time. This is just the beginning.
8 About six hundred fifty thousand dollars total to
9 all the landowners in the project and most of
10 those are in Villenova, but some of them are in
11 Hanover as well.

12 DAN BENNETT: Do you know the number of landowners
13 that is being divided up by?

14 MARK LYONS: About ninety total. Do we know how many
15 in Hanover versus Villenova?

16 KRISTIN MCCARTHY: Maybe thirty-five to forty,
17 actually.

18 MARK LYONS: So a good number in Hanover.

19 DAN BENNETT: So not just twenty-nine landowners. Or
20 I'm sure some have multiple towers. There's a
21 larger amount.

22 MARK LYONS: Let me clarify that. So the landowners
23 that get payments from this project are not only

1 landowners that have turbines, okay, because the
2 project is twenty-nine turbines and a bunch of
3 wires underground and a bunch of gravel access
4 roads, any property that any facility is on is a
5 landowner that gets payments, so it's far more
6 than the twenty-nine landowners. It's ninety
7 landowners.

8 DAN BENNETT: Okay. Thank you.

9 MARK LYONS: You're welcome.

10 JUDY WOJCIK: Can we come up and look at the pictures
11 soon?

12 DANIEL SPITZER: Come up now, and then if that will
13 help you ask questions -- I mean, don't kill
14 yourselves, but feel free. I mean, who else has
15 not yet had a chance to speak? And then we'll go
16 back to folks who have already spoken.

17 So I'm going to assume we can go back then
18 to folks who have raised their hand again.

19 MICHAEL EMKE WALKER: I'm Mike Emke Walker. If I
20 didn't tell you I actually work for the highway
21 department. And I'm telling you, you know, you
22 all probably hate me. But two winters ago my
23 truck did not have heat and I plowed almost all

1 winter without heat in my truck scraping the
2 inside of the windshield so I could see out of
3 it, you know. I know that I stopped at stop
4 signs, you know. But that's how -- the equipment
5 is pretty rough in Villenova. Nate, you probably
6 can say that. He's done a lot of fixing lately.
7 And I mean, the money is just not there and it's
8 hard to do a nice job and keep the roads nice
9 when you don't have anything working. You know,
10 stuff has gone up. And I'd also like to say,
11 Howard Crowell, is it fair to say that you live
12 right across the road from the --

13 HOWARD CROWELL: Pretty close.

14 MICHAEL EMKE WALKER: Is it fair to say you probably
15 just -- just see as many wind towers as they
16 would?

17 HOWARD CROWELL: My houses face in that direction,
18 but yeah.

19 MICHAEL EMKE WALKER: So feeding off Mr. Campbell
20 saying beauty is in the eye of the beholder,
21 you're going to have people that hate and have
22 people that like it. And then I also tried
23 farming. I tried. You go out Southgate Road,

1 see a bunch of equipment from the 1970's, that's
2 me. My -- I have fifty-five acres. My
3 grandmother has a hundred and thirty acres. I
4 rent thirty of it, and I have hay fields up there
5 and everything. And every time I do a bale of
6 hay I go by one acre -- my grandfather to pay his
7 taxes a guy has a double-wide on. Every time I
8 go by it breaks my heart and I hope someday when
9 I get the rest of the farm I don't have to do
10 that.

11 DANIEL SPITZER: Sir?

12 SKIP TAYLOR: Skip Taylor. This gentleman over here,
13 I want to go in business with you and he's going
14 to be the manager running the tour bus.

15 DANIEL SPITZER: Ma'am, did you have any further
16 questions? I know Mr. Garrett wanted to go. Mr.
17 Jimerson?

18 ELIOT JIMERSON: I want to make a statement. I'm
19 going to let everybody know what I'm going to do
20 what I can to make sure the jobs stay here.

21 DANIEL SPITZER: Did you have anything else you
22 wanted to add? Other folks?

23 DANIEL BENNETT: Just following up on the gentleman

1 about the jobs and stuff, can you give us a
2 percentage of the project of how many jobs might
3 be local jobs, I mean, drawing from our local
4 people?

5 DANIEL SPITZER: I don't know how you do that before
6 you hire the contractors. I can tell you that in
7 the projects I've worked on across the state you
8 don't bring people in from out of state. You
9 bring -- you have local -- if you have local
10 people. Every project I've worked on is local
11 trades. The main local jobs tend to get hired
12 are truck folks and a lot of the -- you know, the
13 local construction-type jobs, like truck drivers
14 and handymen, things like that and work the lay
15 out yards during the construction. But in terms
16 of the trades, I don't know if you can answer
17 that question before you know who the contractor
18 is.

19 DAN BOYD: That's exactly right. You hit the nail on
20 the head. We don't have hundreds and hundreds of
21 workers that we bring with us from our
22 headquarters in Colorado to place where we build
23 projects where we -- it's a lot of labor,

1 operators, as you said there, that are specific
2 to an area. It does not pay to bring, you know,
3 trucks full of our yellow iron from one side of
4 the country to the other side of the country.
5 There's a lot of things. There's contractors in
6 this room that I know have been in touch already
7 with our construction team and our estimating
8 team, and I'm more than happy to put anybody else
9 who is interested on working on these things in
10 touch with our team and we can definitely have a
11 card. I'll give it to you and get you in touch
12 with the right people. But this isn't something
13 we're doing for the first time or doing for the
14 tenth time. We've built ten thousand megawatts
15 across the country. We've built probably about
16 twelve percent of the operating windmills in this
17 country today, so this isn't something we're just
18 figuring out, so it's pretty standard. That
19 being said, I'm not on the construction side so
20 I'll get you in touch with the right people.

21 DAVE IVETT: Dave I-V-E-T-T. How much money are you
22 talking about? What's it costing to do this?
23 You spent a lot of money already, obviously.

1 MARK LYONS: Well, yes, we have. The total cost is
2 approximately a hundred and sixty million
3 dollars.

4 DAVE IVETT: A hundred and sixty million dollars.

5 DANIEL SPITZER: Mr. Garrett, and then this young
6 lady.

7 MICHAEL GARRETT: Most of the negativity coming from
8 the people that did put up local windmills is
9 they found they hired very few local people. If
10 some -- there's a great documentary out there
11 called Windfall. Go to Wind Watch dot org. And
12 not all of it is anti windmill and I'm not
13 telling you what to do, I'm just putting my
14 opinion out there from an environmentalist view.
15 Obviously the town is making money, New York
16 State. We all need jobs, but that doesn't
17 necessarily mean if you throw our caution to the
18 wind and go do a project that may not be
19 environmentally friendly. That's all I'm saying.
20 So the local jobs from what I heard, most of
21 these are manufacturing. Is that true?

22 DANIEL SPITZER: I don't know if they have selected a
23 turbine manufacturer yet. The turbines or

1 towers.

2 MICHAEL GARRETT: The towers.

3 MARK LYONS: I think it's important to distinguish.

4 A wind farm consists of twenty-nine windmills

5 that arrive here in parts that are made

6 elsewhere, yes, though --

7 MICHAEL GARRETT: Are they American-made?

8 DAN BOYD: Yes. I mean, most of the components are.

9 Vestas is one of the leading manufacturers that

10 we're looking at here. Vestas opened I think

11 four manufacturing facilities in Colorado --

12 MARK LYONS: Yes.

13 DAN BOYD: -- back in the mid 2000's, and they build

14 the majority of the equipment there. They also

15 have other facilities worldwide, so I can't tell

16 you where they ship from, but economically you

17 would think it would be closest to the point.

18 MARK LYONS: But the construction jobs are about

19 taking those components and installing them in

20 the fields and putting in what we call the

21 balance of the project, the roads, the wires and

22 substations and stuff.

23 MICHAEL GARRETT: You'd hire contractors for that?

1 MARK LYONS: Yes. As Dan pointed out, it makes
2 absolute sense to do that, hire local as much as
3 you can. Every project we worked on, that's
4 exactly what happens. We don't have an Army of
5 laborers in Colorado that are going to get on
6 planes and come out here and build that thing.

7 DANIEL SPITZER: Yes, sir.

8 JERRY PARK: Where will your headquarters be? You'll
9 have a -- have to have someplace where your
10 employees go to start their day and store parts
11 and stuff. Will that be, you know, in the
12 project area?

13 MARK LYONS: It will be in the project area, yes.

14 DANIEL SPITZER: There's a good question here about
15 the jobs. And I think you have to make your own
16 determination about benefits and cost. For the
17 most part there's some construction jobs. The
18 wind farms don't create a lot of long-term jobs,
19 they create very nice paying jobs about ten --

20 DAN BOYD: I think we say six or eight.

21 DANIEL SPITZER: It's hardly like bringing a one
22 hundred sixty million dollar factory where you
23 have the benefits. It's important to understand

1 the company is not talking about you should do
2 this for the long-term jobs. The construction
3 jobs, on the other hand, I can tell you the
4 projects I've been on they are outstanding jobs
5 and what happens with the construction jobs is
6 you say sales tax unfortunately don't have any --
7 you don't have -- I certainly hope you're -- I
8 certainly hope your one business gets new
9 business out of this project. But you do see an
10 influx into the community because cash comes into
11 the community no matter where the work comes
12 from, and that's in the study.

13 MARK LYONS: Just to expand on that point, when the
14 construction is on, every local hotel room is
15 filled, every local B and B. You don't have a B
16 and B now. You might want to think about
17 starting one. They will need places to eat and
18 create what we call indirect and induced jobs in
19 the community for the services in the community,
20 but there's a -- there will not be a large nine
21 hundred people going to work every day at this
22 wind farm. But the flip side of that is that
23 there will not be traffic. Okay? You wouldn't

1 see -- all you'll see is the blades going around
2 quietly in the breeze. You won't see people
3 coming to work.

4 And I think it's important to point out all
5 these tax revenues, if you look at the
6 alternatives for tax base a lot of places will
7 bring in a lot of workers and will put a
8 significant demand on local services. They will
9 bring their children with them, they will build
10 houses and now have even more roads to build and
11 plow and have even more school expenses, so we're
12 not going to put any pressure on local municipal
13 services. This is net tax revenues for the town.

14 DANIEL SPITZER: Sir?

15 ANGELO GRAZIANO: Again, Mark Lyons, have you found
16 any sources to buy the electric?

17 MARK LYONS: I'm sorry?

18 DANIEL SPITZER: He asked any sources to buy the
19 electric.

20 MARK LYONS: Not at this point. We're exploring
21 offtake agreements to buy the electricity, yeah,
22 but we haven't signed one as of yet.

23 DANIEL SPITZER: Let's explain that a little bit. As

1 Mark mentioned at the beginning, sell the
2 electricity into the grid or do what was done in
3 the Arkwright wind farm, an offtake agreement, a
4 power purchase agreement to sell to a particular
5 buyer for a particular price, and that's what the
6 man is asking about.

7 ROBERT CROWELL: You want to do something else? On
8 the Farm Service Committee -- they haven't
9 mentioned wetlands. I'm sure they're going to
10 have to go through wetlands with the electric
11 cable lines or the project, and that is covered
12 under the state conservation and through soil and
13 -- my Farm Service Committee, we will oversee
14 that part.

15 DANIEL SPITZER: So this project is going to have
16 temporary impacts of less than twenty-six acres
17 and permanent impacts of one acre on the
18 wetlands.

19 MARK LYONS: Yes, less than one impact permanent
20 wetland impact of less than one acre.

21 DANIEL SPITZER: Who else would like to ask anything?
22 I'm sorry. I forgot you. I'm sorry. Don't hit
23 me. I deserve it.

1 JUDY PHILLIPS: Judy Phillips. I'm sixth generation.
2 I've been around in Villenova. And this is going
3 to take some guts. I oppose this project. And
4 I've done a lot of research. I've read
5 everything but the amended one, because in
6 Hanover they handed me the wrong binder.

7 I can see all the reasons for it. The
8 money, I mean, how do you say no to seven million
9 dollars in twenty years that the town is going to
10 get for these roads, equipment, and how do you
11 say no to landowners who get thirteen million
12 dollars over twenty years? That's a lot of
13 money. But all I ask is that you find out why
14 other towns have said no to this, why have they
15 said no? Why have they just handed down and said
16 we're not doing this and there's reasons behind
17 it. And then the other thing is maybe look at
18 the towns like Madison. Ask them. They have
19 been around a long time, that wind, and it's not
20 a farm. This is a turbine project. I've been to
21 Tug Hill, I've been to Madison, but you need to
22 find out why people are saying no. If you want
23 to go past the reasons, you know, think about

1 wind turbine syndrome or the bats and the birds
2 and all the things that they mitigate in this,
3 but look at why other towns have said absolutely
4 not. There's reason for this. These are lovely
5 pictures here. These pictures are photo
6 simulations also, but this is not what they are
7 showing you. Every single person in this room,
8 if you do what Howard Crowell did, you should sit
9 down and you should read it, and then you can
10 make an informed decision so again, just -- but
11 even after everything -- and I so understand, you
12 know, why a landowner would want this and I so
13 understand why there are people that want this,
14 because of the money for the town, because we --
15 we need jobs in this town. We need jobs. This
16 project will not provide jobs. It will help the
17 gravel people for a year, it will help the
18 truckers, it will help Super Duper, it will help
19 anybody that serves lunch for a year. So just
20 think about why other places are saying no.

21 DANIEL SPITZER: Thank you. Who else would like to
22 speak before we close things up? And let me
23 remind everybody, this isn't the end of the

1 public comment period. This is the Hanover
2 meeting. There is also ten days for a written
3 comments.

4 One last comment?

5 RICHARD CRABBE: Yes. Where there's money there's
6 jobs, is what I would like to say.

7 DANIEL SPITZER: Okay. I think we all agree with
8 that. Any other person before we close the
9 meeting? I thank you all. This is a very good
10 meeting.

11 GREG SNOW: Greg Snow, S-N-O-W. If we come up with
12 questions that we would like an answer to?

13 DANIEL SPITZER: Send them to the town clerk.

14 GREG SNOW: And we will receive an answer?

15 DANIEL SPITZER: We'll get an answer. They have to
16 answer them in the FEIS, so it's up to them.
17 They have to answer it.

18

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STATE OF NEW YORK)

SS:

COUNTY OF ERIE)

I, Erin L. McPartlan a Notary Public in and for the State of New York, County of Erie, DO HEREBY CERTIFY that the above proceedings were taken down by me in a verbatim manner by means of Machine Shorthand, on October 13, 2016. That the transcript was then reduced into writing under my direction.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the proceedings.

ERIN L. COPPING,
Notary Public.

Town of Villenova

Written Comments Pertaining to the 2016 Amended Application

RES

Supervisor
Richard Ardillo
Attorney
Donald Michalak
Justice
Ronald G. Lucas
Code Enforcement Officer
David H. Crossley cell(716)640-3093

TOWN OF VILLENNOVA
1094 Butcher Road
South Dayton, New York 14138
Ph: (716)988-3476 Fax: (716)988-3826
Town Clerk, Tax Collector, Court Clerk, Registrar
Julie Goodway

Councilmembers
Westley Tessey
Angelo Graziano
Sarah LoManto
Keith Butcher
Assessor
Roger K. Newell
Highway Superintendent
Charles O. Luce Sr.

November 02, 2016

Mr. Mark T. Sweeney/Partner
Hodgson & Russ LLP
677 Broadway – Suite 301
Albany, NY 12207

RE: Comments/letters

Dear Mark;

Enclosed please find copies of all letter this office received after the Oct 13th meeting at the Hamlet Church.

Sincerely,


Julie Goodway
Villanova Town Clerk

ENCL:

Oct. 17, 2016

To The Villenova Town
Board,

I am Dollie A. Chase.

I would like to inform

The Villenova Town Board,

that as a property owner

in Villenova, I support

The Ball Hill Wind Project,

100% !!

Dollie A. Chase

RECEIVED
10/20/16

To the Villenova Town Board:

Pros and cons of the wind farm project set aside, Villenova and its residents cannot afford this economic opportunity to slip through its fingers.

I fully agree with Michael Emke-Walker, Dave Ivett and Howard Crowell. We need something more than raising taxes to sustain Villenova. In the town of Villenova, its residents are paying approx. \$31.00 per thousand of assessed value for school taxes. I can hardly wait and see what our town and county taxes will be like.

We need to embrace economic growth in our area. We live in a low income area with an aging population and the stagnation of the area is a burden on its residents. Please look to the future, if we welcome one, possibly more will follow.

RECEIVED
AUG 20 2014

Candy Weaver
752 Rt. 83, PO Box 327
- 14138
- 14138

From: Warren Taylor <[redacted]>

Subject: Letter to Villenova re Wind Farm

Date: Fri, Oct 28, 2016 7:52 pm

9648 South Dayton Silver Creek Road
Forestville, NY 14062

Villenova Town Hall
1094 Butcher Road
South Dayton, NY 14138

Town of Villenova:

I have been to a few meetings and listened to all sides intently at these meetings. Some people apposed the Wind Mill Farm and others were in favor.

Villenova in my opinion has been very generous (as much as possible) in trying to keep the tax role as such that the people living here do not have to pay more than is possibly necessary. The taxes on the gas wells (90 some) is about to run out and things will get more hectic than they are now. Villenova has expenses with employees, equipment and just every day doing business. There are roads that are still dirt. They have to buy salt and run the equipment on a daily basis summer and winter. That is not cheap. The money has to come from someplace and if you have a little bit of a business mind you know that running a business takes a lot of money. Villenova is a business; supplying a service to the taxpayers. You go into a store you buy the goods that the store has already purchased for your taking but you have to pay for it. Go to a fast food establishment and you pay before you taste. Villenova has a lot of expenses that has to be paid for by the people living in the township for their benefit. The way I see it the Wind Farm is a God send for Villenova. Much needed money would come in to pay for these bills so our taxes would still stay reasonable. Now without this money more than likely our taxes will have to go up and then we will have a new complaint but it will be coming out of our pocket.

The Wind Farm will be helping out in keeping this township alive. It will give much needed money to update the equipment, keep the people happy and supply the service that alot of people are complaining of not having. The way I see it with the tax role the way it is if they are not raised the Township could get new equipment every couple of years, get the roads that are in dire need repaired and act like a normal township with the windfarm money. I will be looking dead into the windmills on the back of my property and like some of you people I will probably be sitting in a chair watching the windmills. I am in favor of them because the Town of Villenova need them, the people need them. Over one and a half million dollars will come into the township each year. To me that is a blessing. I have learned through my years that I have to look at the greater picture and take it off myself in order to see the good for everybody. I am in favor of the Windmill Farm because our township needs them here.

Thank you,

Skip

PS As far as the birds go, a bat can fly through a moving barn fan and never hit the blades. Birds I pick out of my grill I didnot hit or kill, they committed suicide but I keep on dining and so do you.

RECEIVED
10/31/16

1360 Seneca Creek Rd.
West Seneca, New York 14224
October 19, 2016

Town of Villanova
1094 Butcher Road
South Dayton, New York 14138

Attn: Ms. Julie Goodway

Dear Ms. Goodway

I did not know who to address this to. I attended the windmill meeting last week and they said that there would be a 10 day comment period after the date of the meeting if I understood correctly.

I own property at 9618 Pope Hill Road.

I have some additional question with regards to this project.

1. Since I have owned the property for approximately the last 6-7 years, this project has gone through 2-3 lease holders and now this company. The last company notified me that they were dissolving the leases due to the project being uneconomically feasible. With less windmills, why does this company feel it is a feasible project?
2. In the spring from approximately March 1 to approximately May 31, there are load restrictions on the Town roads limiting the capacity of vehicles that they can carry. The limit is so low, that it is my understanding that a tandem axle dump truck fully loaded is over the load limit. With a very aggressive construction schedule that they will have I am sure they will not be tolerant of this restriction. Will the Town remove this restriction?
3. I am sure that the restriction is due to the excessive moisture in the ground and that the subbase of the roads when constructed was not installed as it would today if constructed. When a heavy load travels over the surface and the subbase starts to break apart, the road damage could take several years before it is discovered. Although the comment was that the windmill company is responsible for the reconstruction, how many years after the project will they be held responsible?

Thank you for your time.

Sincerely,


Richard Kraft

RECEIVED
10/24/16

Postmarked
10/20/16

October 17, 2016

To the members of the Villenova Town Board

I am totally against putting up 23 wind turbines in Villenova. It will ruin our beautiful landscape, I fear it will drive away our wildlife both during and after installation. It will kill many birds. The thousands of truck loads of gravel and cement will ruin our roads and the heavy traffic will upset many people. I have read that many people are affected healthwise. As for jobs, if they use local help, it will only last for a few months and then be gone. It will not bring business or industry to our area. Think of all the equipment that must be installed underground. What will that do to our water supply? I have lived in Villenova my entire life, I can't imagine seeing 23 495 foot wind turbines in this small area. They are 200 feet higher than the Statue of Liberty!! And remember our taxes (through Gov. Coumo) are the incentive for the project.

Please vote no for this project.

Sincerely,
Jellen Sherman

RECEIVED
10/20/16

October 21, 2016

Villanova Town Board
1094 Butcher Road
South Dayton, NY 14138

Dear Board Members:

I attended the October 13, 2016 public hearing regarding the Ball Hill Wind Project. I listened to Mr. Lyons sugar coat the placement of a wind turbine farm in the towns of Hanover and Villanova. I listened to town residents speaking up for and against the Project. I was able to ask a couple questions.

I believe this Wind Project has no place in our beautiful Town. It will forever change the wonderful pastoral scenery in the Town. One resident in favor of the project compared the turbines to electric and telephone poles and lines amid the landscape, just something you would get used to seeing and not even notice after a while. I totally disagree. Electric poles blend in with the tree lines. These nearly 500 foot tall turbines do not blend in with the landscape at all. They are about a hundred feet taller than the City Hall Building in Buffalo. The beautiful view was one of the main reasons we chose to buy our home on Round Top Road 17 years ago. When we came to look at the house, we sat on the front porch and fell in love with the peaceful setting and beautiful views. You can even see a small bit of Lake Erie. If this project is developed as planned, we will have four turbines within the front view of our house (one only 1500 feet away). There will be other turbines within view off to the side and back our house, although not as close. The landowners across the road who have signed on for turbines do not even live here. We live and work in this community. We eat at the Mustard Seed, the South Dayton Hotel, the Trillium. We shop at the local stores. We buy hay and produce from local farmers. These non-resident landowners are not supporting the local economy. They will not have to live with the flicker and negative effects which Mr. Lyons so easily dismissed. Mr. Lyons stated there was a study in Massachusetts which proved that there is no such thing as "Wind Turbine Syndrome". There are other studies which prove just the opposite and Mr. Lyons totally shut down resident Mike Garrett when he was trying to make a point about this. Mr. Lyons said they would offer window blinds or "something" for homeowners having to deal with flicker. Residents should not have to worry about possible negative health effects or flicker.

The wind turbine companies prey on struggling rural communities such as Villanova. They promise financial gain for the towns. They dismiss concerns as trivial or non-existent. These companies are not doing these projects for the benefit of the towns. They are doing so for their own financial gain which is largely funded through government tax credits.

I don't think The Ball Hill Wind Project is suitable for our town. It will create only minimal short term jobs and no long term local jobs. Wind turbines will not bring our children back to the community or keep them here. Only jobs will do that.

If this project is done, not RES, not Mr. Lyons, nor Mr. Spitzer, but rather the Town and its residents will be left to deal with its negative impact.

Diana Ermer
9200 Round Top Road
Forestville, NY 14062

RECEIVED
10/24/16

October 21, 2016

postmarked
10/21/16

From: John D. Robinson 9200 Round Top Road, Forestville, N.Y. 14062

To: RES & Mr. Lyons & Town Board Members 1094 Butcher Road, South Dayton, N.Y. 14138

This letter and enclosed articles are in response to the previous wind turbine meeting.

Most amazing is the suggestion that there is no such thing as infra sound. We as a community need this project to be considered not on political or even money concerns, but based first and foremost on the health and well being of those living in the area. Many supporting this project are those not living in the general area or even close proximity to where the turbines are to be located. Greater weight should be given to those with permanent residences and in close proximity to the suggested turbine locations.

Another important concern is that of setbacks and property value. Setbacks need to be based on distance from property lines and not just residences. My home is 1000 ft back from the road, but if I wanted to sell frontage lots at a later date, who would want them. And, shadow flicker be an increased concern. In fact, would additional building lots even be allowed? This has serious implications for the future value of our properties and how they are used or sold. Realtors say turbines devalue property.

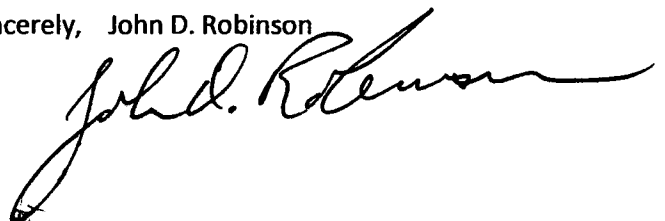
World Health Organization is setting new wind turbine noise guidelines. Ref. article dated Oct 16, 2016. Those guidelines need to be studied and considered. One hundred and forty (140) international scientists, physicians, acousticians, nurses, advocates, and academics have signed an open letter concerning infra sound. Suffering and harm are no longer questioned! Effects are noted in completely similar fashion world wide. Dr. Bowen has taken the lead in giving support and authority to this concern. WHO guidelines give reference to Falmouth, Mass as "ground zero" for poorly placed wind turbines in the USA. So called "industry standards" are just that, standards provided by the companies wanting to make money and absorb our tax dollars to set up turbines. They are fifty percent funded by our taxes.

Let's make sure we are ALL happy and healthy with the results of this project. Increase set back and turbine sling distances, decrease flicker. Determine set backs from property lines not houses.

It is never acceptable to negatively impact anyone's health and well being not to mention devaluation of their property for the sake of financial gain. Nor should our 360 degree scenic view be discarded so easily and replaced by an industrial setting of turbines because other folks want/need more money.

As for Mr. Lyons comments in the OBSERVER, "noise pollution, wind turbine syndrome, shadow flicker, NOT REAL," either we are being lied to or someone is ill-informed. Turbines are neither cost effective nor a healthy choice for people living near them. My choice, is don't have them at all.

Sincerely, John D. Robinson



LATEST» Holiday Shopping Head Start: Gift Ideas for Everyone on Your List

(<http://patch.com/massachusetts/falmouth/s/fx311/holiday-shopping-head-start-gift-ideas-for-everyone-on-your-list>)

Bulletin Board (/massachusetts/falmouth/bulletinboard)

World Health Organization Setting New Wind Turbine Noise Guidelines

140 international scientists, physicians, acousticians, nurses, advocates, and academics sign open letter concerning infra sound.

By Frank Haggerty (Open Post) - (<http://patch.com/users/frank-haggertye0dbc553242f63bb0b4c3acd2f8df71d82de8d597c3d2d03e2929a2b2178abbf>) **October 18, 2016 7:51 am ET** (<http://my.patch.com/article/26734798/edit>)

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co-representative to the United Nations for the International Society of Doctors for the Environment, eagerly requested “best policy outcomes and applications” for the WHO’s new European Environmental Noise Guidelines, expected shortly.

Indicating her sincere support for the concerns that the international community has already expressed to WHO concerning noise and infrasound/low-frequency noise (ILFN) from industrial wind complexes, she attached the recent open letter (<http://www.na-paw.org/WHO-noise-2015-Open-Letter.pdf>) signed now by more than 140 international scientists, physicians, acousticians, nurses, advocates, and academics addressed to Dr Héroux and panelists.

The endorsement of the open letter by Dr. Bowen is deeply significant. Given Dr. Bowen’s credentials, authenticity, and humanity, her governing principles of environmental justice for all, the endorsement of the open letter shows again the importance that the WHO must now place on the application of higher standards for industrial wind noise (including vibration and ILFN). The suffering and harm are no longer questioned: It is a matter of density and complexity of harm and effects that persons in homes, schools, and institutions cannot easily escape. Effects are noted in completely similar fashion world wide.

We sincerely thank Dr. Bowen for lending her support and authority to the open letter (http://www.na-paw.org/WIND/*NWW/NWWsite/na-paw/WHO-noise-2015-Open-Letter.pdf).

See: Revision of WHO Environmental Noise Guidelines for the European Region (<http://www.na-paw.org/WHO-noise-2015.php>)

Source : North American Platform Against Wind Power

Get free real-time news alerts from the Falmouth Patch.

Open Letter to the members of the panel developing the WHO Environmental Noise Guidelines for the European Region.

Marie-Eve Héroux
Wolfgang Babisch.
Goran Belojevic.
Mark Brink.
Sabine Janssen.
Peter Lercher.
Jos Verbeek.

Marco Paviotti.
Göran Pershagen
Kerstin Persson Waye.
Anna Preis.
Stephen Stansfield.
Martin van den Berg.

Ladies and Gentlemen,

We understand that you are currently in the process of developing the WHO Environmental Noise Guidelines for the European Region as a regional update to the WHO Community Noise Guidelines. We also understand that:

1. The new Guidelines will be based upon a review of evidence on the health effects of environmental noise in the light of significant research carried out in the last few years.
2. The guidelines will review evidence on the health benefits of noise mitigation and interventions to decrease noise levels.
3. The evidence will be systematically reviewed to assess likely effects such as: sleep disturbance, annoyance, cognitive impairment, mental health and wellbeing, cardiovascular diseases, hearing impairment and tinnitus and adverse birth outcomes.

One of the sources of noise you are investigating is that from wind turbines which was not addressed in previous guidelines.

We welcome your review because, despite mounting anecdotal and academic evidence, for too long mitigation against adverse health effects following the construction of wind turbines has been absent from planning guidelines and **noise pollution regulations** in many European countries, especially **with respect to sound below 200 Hz.**

There is a pressing need for new guidelines to encourage governments better to safeguard the health of their citizens.

You will be aware that these problems are not confined to Europe. Neither are they confined to human beings.

We are hopeful that your deliberations will result in tough new European guidelines which in turn will prompt a serious worldwide examination of all aspects of this problem, including the widely-reported effects on animals.

Yours sincerely,

The undersigned: .

Mrs. V.C.K. Metcalfe Community Councillor	Scotland	07.07.2016
Mauri Johansson, MD, MHH Specialist in Community and Occupational Medicine, including Environmental Medicine (retired)	Denmark/EU	07.07.2016
Susan Crosthwaite Community Councillor. Author of 'Request for Action' to Scottish Government	Scotland.	07.07.2016
Sarah Laurie Bachelor Medicine, Bachelor Surgery and CEO, Waubra Foundation	Australia	07.07.2016
Dr. Rachel Connor Bachelor Medicine, Bachelor Surgery, and Fellow of the Royal College of Radiologists. Chair of Moscow and Waterside Community Council	United Kingdom	07.07.2016
Virpi Poikolainen Physical therapist, Bachelor of Health Care. Community & County Councillor	Finland	07.07.2016
Alun Evans MD Professor Emeritus. Centre for Public Health. The Queen's University of Belfast. Institute of Clinical Science B	Northern Ireland	08.07.2016
Vojko Bernard, metallurgist, President of Alpe Adria International	Slovenia	08.07.2016
Angela Armstrong, M.B., Ch.B. retired General Medical Practitioner and Occupational Physician	Scotland	08.07.2016
Tomaž Ogrin, BSc, MSc Chemistry, researcher, scientist	Slovenia	08.07.2016
Dr. Katarina Dea Žetko, BA, MSc, PhD historical and germanic linguistics, Lecturer	Slovenia	08.07.2016
William K.G. Palmer P. Eng.	Ontario, Canada	08.07.2016
Jerry L. Punch, Ph.D. Professor Emeritus, Department of Communicative Sciences and Disorders, Michigan State University, East Lansing, Michigan	USA	08.07.2016
Curt Devlin, B.A., MA Software Architect, Health Sciences	USA	08.07.2016
Alec N. Salt, PhD. Professor of Otolaryngology, Washington University School of Medicine, St Louis	USA	08.07.2016

Gary Goland, Cert App Sci, (Medical Lab), Royal Melbourne Institute of Technology, Medical researcher, Adelaide	Australia	08.07.2016
Dominic Mette Friends Against Wind	France	08.07.2016
Sven Johannsen CEO & Erik Brunne, Cert. Acoustic Engineers & Infrasound Experts, GuSZ Gutachter u. Sachverständigen Zentrum für Umwelt-Messungen GmbH www.umweltmessung.com	Germany	08.07.2016
Johannes Mayer M.D. Family medicine, Osteopathic Medicine Clin. Ass. Prof. Osteopathic medicine Athens/Ohio/USA President Osteopathic physicians (BDOÄ)	Germany	08.07.2016
Greta Gallandy-Jakobsen author, retired teacher, editor of wind turbine victims' website vind-alarm-danmark.eu	Denmark	08.07.2016
Sherri Lange www.na-paw.org CEO North American Platform Against Wind Power.	USA & Canada.	08.07.2016
Wayne C. Spiggle, MD physician	USA	08.07.2016
John Harrison, PhD Expertise in wind turbine sound generation and propagation. Former member: Ontario Ministry of the Environment Focus Group on Wind Turbine Noise Regulation. Invited Speaker: 2008 World Wind Energy Conference	Canada	08.07.2016
Mark Duchamp President, Save the Eagles International www.SaveTheEaglesInternational.org Chairman, World Council for Nature, www.wcfn.org +34 693 643 736	Spain	08.07.2016
Maxwell Whisson, MB,BS FRCPATH retired medical consultant and leader in Medical Research, primarily cancer & haematology	Australia	09.07.2016
George Papadopoulos Pharmacist (B. Pharm), Yass, NSW	Australia	09.07.2016
Mary Morris Community based noise and health researcher and community advocate, (near) Waterloo, South Australia	Australia	09.07.2016
R.Y.McMurtry CM, MD, FRCS, FACS	Canada	09.07.2016
Arline L. Bronzaft, Ph.D Professor Emerita, City University of New York	USA	09.07.2016

Angela Kearns Retired Registered Nurse and Midwife	Australia	09.07.2016
Eric Rosenbloom President National Wind Watch, Inc. < https://www.wind-watch.org/	USA	09.07.2016
Mariana Alves-Pereira, PhD Researcher and Expert on the biological response to Infrasound and low-frequency noise exposure	Portugal	09.07.2016
Susan Smith Retired teacher. Founding member of Mothers Against Wind Turbines. Experiencing life within 900 metres of an industrial wind turbine	Canada	09.07.2016
George M Lindsay, B.Sc., PhD Engineer	United Kingdom	09.07.2016
Ove Björklund Engineer. Board member of the Association "Good Environment Hylte"	Sweden	09.07.2016
Madeleine Kura Co-founder of Cesme Sustainability Platform website http://www.cesmeplatformu.org/en/ Izmir	Turkey	09.07.2016
Sandy Reider, MD Lyndonville, Vermont	USA	09.07.2016
Per Fisker, MD retired Consulting Gynecologist and Obstetrician	Denmark	10.07.2016
Jutta Reichardt, Soz.Päd.(graduate degree) behavioral therapist Spokeswoman of sound victims on www.opfer.windwahn.de (Affected by infra, low frequency and structure born sound of technical facilities such as wind turbines, pumps etc.)	Germany	10.07.2016
Esen Fatma Kabaday Whiting Çeşme Municipality Councillor Biologist, Environmental Specialist (MS), Project Cycle Management Specialist	Turkey	10.07.2016
Bernd Stymer Oldest and largest resistance against wind madness in Sweden website http://www.helgaro-liv.se/	Sweden	10.07.2016
William G. Acker Consulting Engineer with Acker & Associates; Eight years of research work on Infrasound & Low Frequency Noise from Cooling Towers, Industrial Wind Turbines, Boilers and Automoblies. Green Bay, Wisconsin	USA	10.07.2016
James Vanden Boogart President, Brown County Citizens for Responsible Wind Energy. Brown County	USA	10.07.2016

David Moriarty Falmouth, Mass	USA	10.07.2016
Marshall Rosenthal MA Cultural Anthropology, Syracuse University, BS Biology, City College of NY, former Health Officer, Child Development Group of Mississippi	USA	10.07.2016
Bruce Rapley, BSc, MPhil, PhD Consulting Scientist. Principal Consultant: Environmental Health, Acoustics and Human Cognition, Atkinson & Rapley Consulting Ltd. arg@paradise.net.nz	New Zealand	11.07.2016
Steven Cooper Acoustical Engineer, The Acoustic Group	Australia	11.07.2016
Janet Holtkamp practitioner of Chinese Medicine, Nieuw-Buinen	Netherlands	11.07.2016
Ipar Buğra Dilli Head of Karaburun City Council	Turkey	11.07.2016
Ghislaine Signier Présidente, Victimes des Éoliennes (Victims of Wind Turbines), http://en.friends-against-wind.org/victims	France	11.07.2016
Dr Mireille Oud medical physicist, founder of Dutch LinkedIn Expertise Group on Low Frequency Noise, author of 'Explanation for <u>suffering from low-frequency sound</u> '	Netherlands	11.07.2016
Prof. Dr. Ümit Erdem EGE University, Agricultural Faculty, Dep. of Landscape Architecture, Izmir Emeritus Fellow Member of the European Ecological Federation http://www.europeanecology.org	Turkey	11.07.2016
Prof. Dr. Zuhul Okuyan (MD) Community Health specialist and Medical Ethics lecturer Dokuz Eylül University, Izmir	Turkey	11.07.2016
Mustafa Tanışık Bodrum Peninsula Environmental Protection Platform	Turkey	11.07.2016
Stephen E. Ambrose, ASA, INCE Brd.Cert. Acoustic Investigator	USA	11.07.2016
Jean Pierre Riou Président de l'association "Le Mont Champot" (lemontchampot.blogspot.fr)	France	11.07.2016
Robert W. Rand, ASA, INCE	USA	11.07.2016

Christine Lavanchy Research laboratory technician. Member of Paysage Libre Vaud committee, 1096 Cully	Switzerland	11.07.2016
Paul Housiaux Solicitor (retd.)	United Kingdom	11.07.2016
Simon & Brooke Yates Mt Torrens, South Australia	Australia	11.07.2016
Barbara Lebiedowska Professor emeritus, independent researcher http://www.kdepot.eu/ http://lebiedowska.blog.onet.pl/	Poland	11.07.2016
Marek Lebiedowski Professor emeritus, independent researcher http://www.kdepot.eu/	Poland	11.07.2016
Marcin Przychodzki Lawyer and editor-in-chief of stopwiatrakom.eu website	Poland	11.07.2016
Paweł Kotwica Political scientist, translator and community advocate	Poland	11.07.2016
Marek Jasudowicz Mayor, Municipality of Giżycko, Masurian Lake District	Poland	11.07.2016
Hal Wilson B.Ed ((Chemistry and Mathematics) retired, Staffordshire	England	11.07.2016
Rick James, INCE E-Coustic Solutions, LLC, Okemos, MI 48805	USA	11.07.2016
Prof. Dr. Ali Osman Karababa Faculty of Medicine, Department of Public Health, Ege University, Izmir	Turkey	11.07.2016
Annette Smith Executive Director, Vermonters for a Clean Environment	USA	11.07.2016
Dr Gary Hopkins Emergency physician	Australia	11.07.2016
Dr. Alan C Watts OAM; HDA; B.Sc; M.B., Ch.B; L.R.C.P; M.R.C.S. retired medical practitioner with an interest in the health effects of wind turbines	Australia	12.07.2016
Dr. Colleen J Watts OAM; B.Sc.Agr.(Hons); M.Phil; Ph.D. Environmental scientist	Australia	12.07.2016
Carl V Phillips, MPP PhD consumer health advocate; former professor of public health and evidence-based medicine	Australia	12.07.2016
Annie Gardner	Australia	12.07.2016

Patina Schneider Australian Industrial Wind Turbine Awareness Network	Australia	12.07.2016
Jean-Louis Butré President of EPAW.org. Also: President of the French Fédération Environnement Durable regrouping 1060 French local associations	France	12.07.2016
Witold Jaszczuk, D.Eng. Vice President, Central Board, Liga Walki z Hałasem (Anti- Noise League), http://www.lwzh.org.pl/	Poland	12.07.2016
Zbigniew Sienkiewicz Ecology, environment & human health, protection of citizens' rights	Poland	12.07.2016
Keith Stelling, MA, MNIMH, Dip Phyt Independent Researcher, Ontario	Canada	12.07.2016
David R. Lawrence, MD Board Certified Internal Medicine ABIM Member Connecticut State Medical Society. Member Litchfield County Medical Association, Executive Committee. Assistant Clinical Professor, Department of Medicine, University of Connecticut School of Medicine	USA	12.07.2016
Norma C. Schmidt, RN BScN Retired Professor of Nursing	Canada	12.07.2016
Peter R Mitchell, AM BchE Founding Chairman of the Waubra Foundation	Australia	13.07.2016
Catherine Mitchell Director, Mothers Against Wind Turbines, Ontario	Canada	13.07.2016
Linda Rogers, NP-PHC Nurse Practitioner Primary Health Care, Ontario	Canada	13.07.2016
John O'Sullivan CEO, Principia Scientific International, principia- scientific.org	United Kingdom	13.07.2016
Krzysztof Skotak Researcher, Environmental and Health expert, National Institute of Public Health	Poland	13.07.2016
Dr. Matthias Kleespies Environmental scientist and climate researcher	Germany	13.07.2016
Ross McLeod Environmental Health Officer(retired), Queensland	Australia	13.07.2016
Dr Timothy Ball (Climatologist), Professor (retired), University of Winnipeg	Canada	13.07.2016

Andrew Duncan B.S.c Property Studies. County Councillor Westmeath County Council. Spokesperson Lakelands Windfarm Information Group. (LWIG).	Eire	14.07.2016.
Malcolm Roberts, BE, Engineering University of Queensland, MBA, Business, University of Chicago. Project manager for The Galileo Movement (Aus).	Australia	14.07.2016
Lon Briet, Environmental Platform. Bodrum.	Turkey	14.07.2016
Michael Jankowski. Electronics Engineer.	Canada	14.07.2016
Nicholas Kouwen, PhD., P.Eng., FASCE. Distinguished Professor Emeritus and Adjunct Professor Department of Civil and Environmental Engineering University of Waterloo. Waterloo, ON. N0C 1E0	Canada	14.07.2016
Shellie Correia, Mothers Against Turbines TM	Canada	15.07.2016
Ferdinand Deželak. Head of laboratory for physical measurements Institute of Occupational Safety. Ljubljana. Vice president of the Slovenian Acoustic Society.	Slovenia	15.07.2016
Miha JANC, Dr. Vet.Med., Dr.Sci., Emeritus Professor of Microbiology., University of Ljubljana, Slovenia.	Slovenia	15.07.2016
Mads F. Hovmand, Senior Scientist Terrestrial Ecology, Department of Biology University of Copenhagen. DK-1353 Copenhagen K, MFH@bi.ku.dk	Denmark	15.07.2016
Gitte Nielsen Monnetvej 8	Denmark	15.07.2016
Jay J Tibbetts MD Vice Chair/Chair Brown County Board of Health Declared Shirley Wind IWTs a Human Health Hazard Oct, 2014 Green Bay, WI	USA	15.07.2016
Kalevi Nikula Legal and External Affairs Director (retired) M.Sc., Physiology/Biophysics/Biochemistry. Chairman, The Finnish Association of Citizens Against Industrial Wind Power Plants (TV-KY ry.) http://www.tvky.info	Finland	16.07.2016

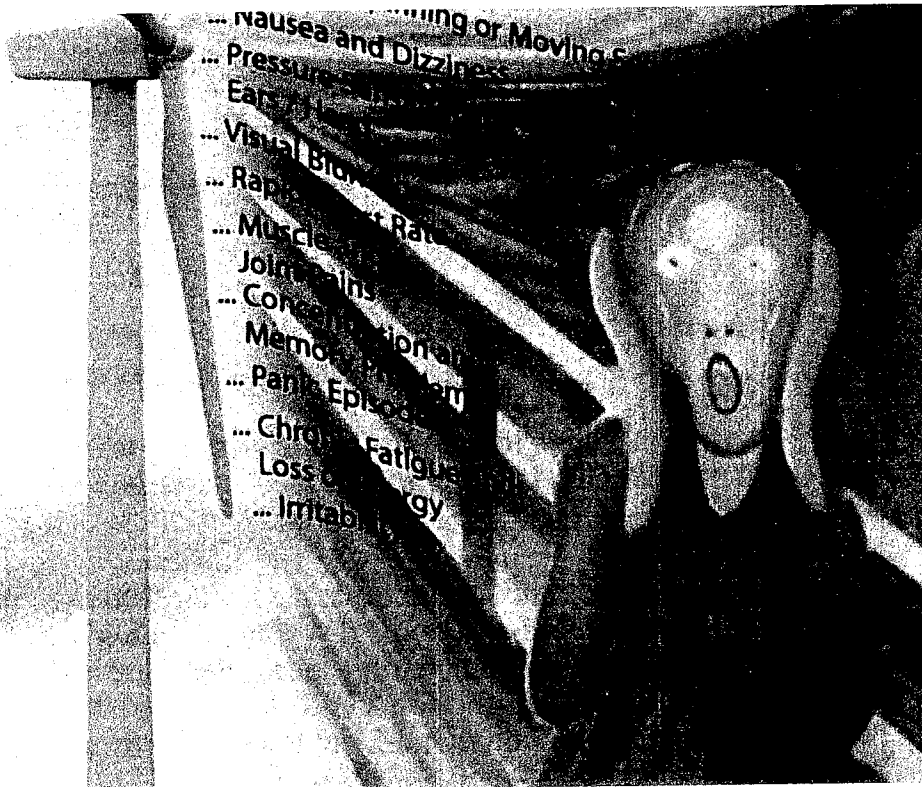


News

World Health Organization Setting New Wind Turbine Noise Guidelines

by PAM on AUGUST 6, 2016 with NO COMMENTS

WHO guidelines assess several environmental noise sources including wind turbines. Falmouth ground zero for poorly placed turbines USA By Frank Haggerty (Open Post) – August 6, 2016 9:05 am ET



**Falmouth
Massachusetts
is ground zero
for poorly
placed wind
turbines in the
United States**

Visit Falmouth

Letter to WHO,
from a victim of
wind

turbines...“Vibrations of my house, and of the whole valley”

Blandine Vue Impact on People Noise Europe

On July 22, 2016, Blandine Vue from France wrote to Marie-Eve Héroux, member of the panel developing the WHO Environmental Noise Guidelines for the European Region.

“The walls of my house vibrate as if a compressor would be against the walls. So there is a continuous buzz...”

read more: <http://patch.com/massachusetts/falmouth/world-health-organisation-setting-new-wind-turbine-noise-guidelines>

 Green Energy, News

Comments are closed.



National
Wind
Watch

Noise & Health Effects of Large Wind Turbines

Several physicians from around the world -- e.g., Amanda Harry in England, Robert McMurtry in Ontario, Robyn Phipps in New Zealand -- have recorded a common set of ill health effects among people living near industrial-scale wind turbines. The symptoms began when local turbines began to turn, and they are relieved when the victims leave the area. Many families have had to abandon their homes as unlivable.

The symptoms include:

- sleep disturbance
- headache
- ringing or buzzing in the ears (tinnitus)
- ear pressure
- dizziness, vertigo
- nausea
- visual blurring
- racing heartbeat (tachycardia)
- irritability
- problems with concentration and memory
- panic episodes with sensations of internal pulsation or quivering which arise while awake or asleep

Dr. Nina Pierpont of New York has called it "wind turbine syndrome" and determined that its primary cause is the effect of low-frequency wind turbine noise on the organs of the inner ear. Click here for her book and other information on the subject. Dr. Pierpont's work has led her to recommend that large wind turbines not be sited closer than 2 kilometers (1-1/4 miles) from a home -- click here for a petition for 2-km minimum setbacks.

Shadow flicker -- where the sun behind turbine blades creates a strobing effect on the ground -- may also be intrusive and harmful. Many people are also concerned about stray voltage, or ground current, caused by the hundreds of thousands of feet of buried electric cable in a typical wind power facility.

Finally, an increase in noise is itself disruptive and can cause sleep loss and stress, especially in rural areas where there is an expectation of quiet. The World Health Organization notes that "Measurable effects of noise on sleep begin at LAeq levels of about 30 dB. ... When noise is continuous, the equivalent sound pressure level should not exceed 30 dB(A) indoors, if negative effects on sleep are to be avoided. For noise with a large proportion of low-frequency sound [dB(C)] a still lower guideline value is recommended."

Acousticians Rick James and George Kamperman have extensively studied wind turbine noise: click here to read their siting guidelines. In brief, they recommend a limit at the property line of 35 dBA or 5 dBA above the preconstruction ambient level, whichever is lower, and a limit of 50 dBC or 20 dBC above the preconstruction ambient dBA level, whichever is lower, for low-frequency noise.

Conditions ratified by the U.K. High Court in May 2011 define pulsing "blade swish (or thump)"

...e, or "amplitude modulation", such that the turbine noise (measured in 125-millisecond intervals 3.5-35 metres outside a dwelling) can not rise or fall by more than 3 dB within any 2-second period more than five times in any 1-minute period with an average sound level of 28 dBA or more, six or more times in any hour.

In Ontario, the Society for Wind Vigilance provides information about adverse health effects and wind turbines, including annoyance, stress, sleep disturbance, and physiological effects: [click here](#).

For all of the items about wind turbine noise in the National Wind Watch Resource Documents, [click here](#).

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www.wind-watch.org

Ontario Wind Resistance

Setbacks

A setback is the minimum distance between an industrial wind turbine & a "dwelling". In Ontario, the minimum setback for new projects is 550 m from non-participants. There is no setback for participants. Older turbines are even closer than 550 m. Municipalities have no control over the setback in Ontario, unlike other jurisdictions. The setback is arbitrary, not "based on the most up-to-date science".



As of November 2011, the Ontario Ministry of the Environment is still claiming:

Our setback of 550 metres for wind projects is the most stringent in North America 1

Please contact Denise if you have updates/additional setback info.

CANADA

2011/08/17	Halifax, Nova Scotia	1000m to habitable building
2011/07/13	Quebec Province	750m to residence or 2km to towns
2011/07/13	Saskatchewan	700m setback

UNITED STATES

2011/08/17	Charlton, Massachusetts	2500ft base to dwelling or Building=553.2m
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(Health Board)

2011/08/15	Lenawee County, Michigan	2000ft+consent+ compensation for loss of value 609.6m
2011/08/11	Clayton Town Council, New York	1250ft from nonparticipating Property boundaries +property Value guarantees 318m
2011/07/23	Hillsdale County, Michigan	1mile buffer zone to homes= 1609m
2011/07/20	Douglas Twp., Illinois	2000ft setback to homes= 609.6m
2011/06/29	Libertyville, Illinois	35dBA night time max noise
2011/06/28	Umatilla County, Oregon	2miles to a rural home=3218m
2011/06/02	Wareham, Massachusetts	2800ft to closest residence=853m
2011/06/02	Clifton, Maine	4000ft from occupied structures
2007/08/28	Allegeny NY	2500 ft = 762m
May 2008	Lyme NY	4500 ft setback from rural villages 1371m
2009	Hartsville NY	Maximum 3dBA above background Sound and minimum 2460 ft from dwelling= 749,8m
2011/05/17	Perry NY	804.6m
2011/12/03	Iroquois County, Illinois	2000 ft from homes And other buildings
2011/04/27	Brewster, Cape Cod	10X blade diameter (100m blade= 1000m setback from residential zone
2011/04/24	Barnstable County, Massachusetts	10x rotor diameter to nearest receptor (100m diam=1000m setback)
2011/04/18	Riverside California	3000ft from residential area =914.4m
2010/09/15	San Diego California	8 x total turbine height to residences= 8 x 500ft= 4000ft = 1.2km

*Without government subsidies to the wind industry,
there is no wind industry.*

HOME

ARTICLES

NORTH EAST

WIND PROBLEMS

WIND TURBINES

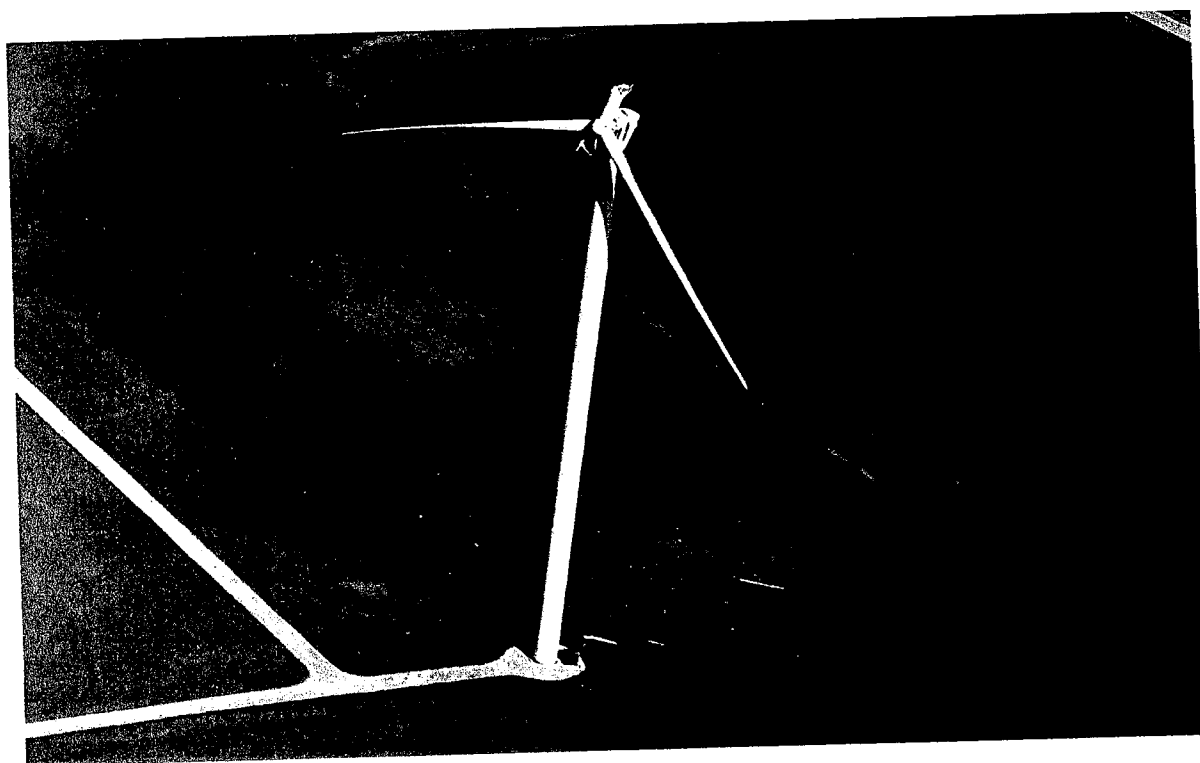
WIND ENERGY

CONTACT

OCTOBER 21, 2013

Calculating Wind Turbine Setbacks With Science Instead of Politics

AUGUST 5, 2013 BY PAUL CROWE



If there is one hot button issue in communities where wind turbines are being discussed, it's setbacks, how must wind turbines be kept from property lines, roads and occupied buildings. Wind developers want a very short distance so they can install the maximum number of turbines while residents and property owners want them kept as far away as possible, so the effects of the turbines are minimized. Wind developers come prepared with the usual rules of thumb or so called "industry standard" setbacks and seem shocked and amazed when anyone questions their numbers. The one thing they don't provide is any basis for those "industry standards." It's almost as though they made them up out of thin air. There has to be a better way there is.

Engineering analysis or a finger in the wind

Recently, we discovered an excellent research article written by three aerospace engineers: [A method for defining wind turbine setback standards](#), published in the journal Wind Energy. In the introduction they explained why they did the research:

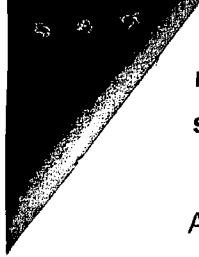
“ These setback standards are intended to protect people and property from rotor blade fragments released from failed wind turbine blades. However, **required setbacks are often based on rules of thumb involving some combination of turbine height and blade radius and typically have little or no rigorous physical foundation.** There is currently a strong demand for re-evaluation of turbine setback distances in view of both increased turbine reliability and the desire to install more large turbines on small parcels of land. Specifically, it would be desirable to provide a technique that allows regulators and wind farm developers to determine setback requirements given a specific turbine model, the site parameters and an acceptable level of risk.

We couldn't have said it any better ourselves.

Three turbines, surprising results

The engineers selected three different sized turbines for their study, a 660 KW, a 1.5 MW and a 3.0 MW. The radius for each respectively was: 77 feet, 115 feet and 148 feet with hub heights of 164 feet, 262 feet and 360 feet.

The wind turbines with lower power output have smaller rotors that rotate at higher speeds and that's an important point because the engineers found higher velocity leads to longer blade fragment throws in the event of blade failure. **The setback formulas used in local ordinances which are some**



multiple of hub height and rotor diameter fail to take this into account and come up with setbacks far short of where blade fragments can fall.

As an example, the throw distances calculated for these three turbines were: 1440 feet for the 660 KW turbine, 1935 feet for the 1.5 MW turbine and 1726 feet for the 3.0 MW turbine. **The shorter 1.5 MW turbine threw fragments even further than the larger 3.0 MW model, over 200 feet further!**

The full research article explains exactly how to calculate throw distances based on the operational specifications of specific wind turbine models. In all cases in the article, even with the smallest 660 KW turbine, the throw distance was far greater than the ~~4000 feet~~ 1.75 times turbine height setback from a property line called for in the proposed wind ordinance for North East Township.

Though it may be reassuring to use a very simple and easily understood formula for setbacks, the township officials have done in the ordinance, this is one instance where what they have chosen for is very simple and wrong.

Public safety demands objective analysis, not political compromise

In the last public meeting in North East Township, one supervisor, when asked where the 1000 foot number came from said it was a compromise. Unfortunately, compromising public safety is a very poor choice, especially when there is an objective method of determining setbacks, as illustrated in this article.

In light of this new information, and especially because the wind turbine manufacturers themselves call for 500 meter (1640 foot) evacuation radius around a malfunctioning turbine, the township supervisors and the planning board are very strongly advised to rewrite the setback requirements in this ordinance to protect the interests of all residents of North East Township. Public safety demands it.

It would be extremely unfortunate if township officials were to insist on using any other factors besides public safety to influence their decisions and if they do so, the residents, taxpayers and voters will be asking for an explanation of how their decision was made.

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FILED UNDER: WIND TURBINE COMMUNITY INVOLVEMENT

TAGGED WITH: COMPLEX TECHNICAL ISSUES, PUBLIC SAFETY, SETBACKS, WIND ORDINANCE



ROBERTS REALTY

John K. Ryan

Licensed Real Estate Salesperson

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Office: 716-875-2211

Fax: 716-875-2222

jryanrealtor@aol.com

www.jryanrealtor.com



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NOVA NY

Dear Sir / Madam;

My name is John Ryan, my sister (Patricia) and I own the property located at 15 Hill Drive, Forestville NY; in the town of Villenova N.Y.; (more commonly known as East Mud Lake.)

We are writing in strong protest to the Ball Hill Wind Project currently being considered in the town of Villenova NY.

We have been proud owners of this beautiful piece of property for over 20 years.

In addition, I hold a seat on The Board of Directors for the East Lake Association.

I am a professional Licensed Real Estate Salesperson in the state of New York.

It is my professional, as well as our personal opinions that a Wind Mill Project will greatly damage the property values, as well as have a disastrous environmental effect on our community.

PLEASE DO NOT ALLOW THIS PROJECT TO GO THROUGH. WE ARE PLEADING WITH YOU TO GIVE THIS VERY STRONG CONSIDERATION.

Thank you,

Respectfully,

John K. Ryan

Licensed Real Estate Salesperson
Metro Roberts Realty
2211 Sheridan Drive
Tonawanda, NY 14223
716-875-2211 – Office Phone
716-875-2222 – Office Fax
716-316-6901 – DIRECT CELL

Owner of 15 Hill Top Drive
Forestville, NY

RECEIVED
10/20/16

ENERGY MATTERS: Who wants wind turbines?

By Marita Noon | Posted: Sunday, June 19, 2016 5:00 am

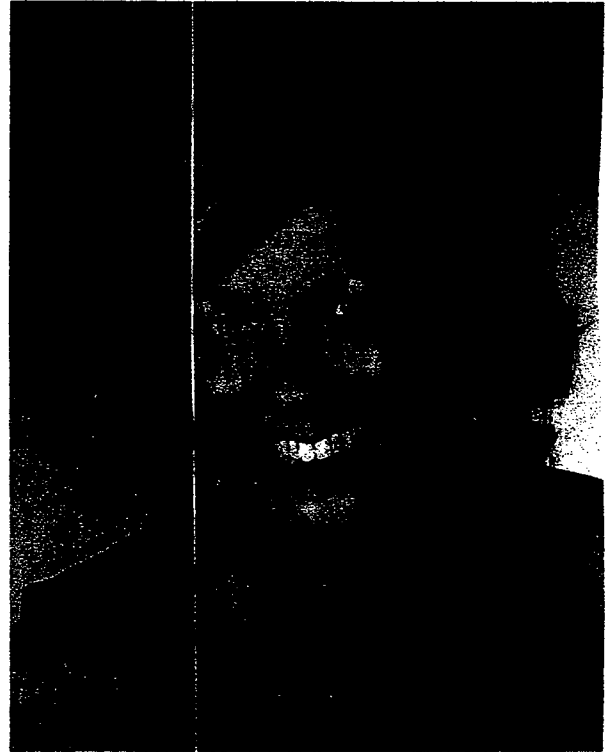
Last month's wind-turbine fire near Palm Springs, Calif., serves as a reminder of just one of the many reasons why people don't want to live near the towering steel structures.

Other reasons no one wants them nearby include the health impacts. Last month, Dave Langrud, of Alden, Minn., sent a six-page, detailed complaint to the Minnesota Public Regulatory Commission. In it, he states: "Wisconsin Power and Light constructed the Bent Tree Wind Farm surrounding my home. There are 19 turbines within one mile and 5 within 1/2 mile.

Both my wife and I have had difficulty sleeping in our home since the turbines started operating. If we leave the area, we don't have this problem. The turbines have also caused severe headaches for my wife. She didn't have this problem before the turbines, and this isn't a problem for her when we spend time away from our home and away from the turbines."

Langrud's letter addresses property values. He asks: "How do we get a fair price if we sell in order to save our health?" Recent studies prove that it isn't just those forced to live in the shadows of the turbines whose property values are diminished.

Waterfront properties that have offshore wind turbines in their viewshed would have a "big impact on coastal tourism," according to a study from North Carolina State University. The April 2016 report in Science Daily states: "if turbines are



MARITA NOON 2016

The author of Energy Freedom, Marita Noon serves as the executive director for Energy Makes America Great Inc. and the companion educational organization, the Citizens' Alliance for Responsible Energy (CARE). Together they work to educate the public and influence policy makers regarding energy, its role in freedom, and the American way of life. Combining energy, news, politics, and the environment through public events, speaking engagements, and media, the organizations' combined efforts serve as America's voice for energy.

built close to shore, most people said they would choose a different vacation location where they wouldn't have to see turbines."

The economic impact to the coastal communities is estimated to be "\$31 million dollars over 20 years."

★ A similar study done in Henderson, N.Y., found the loss in property taxes, due to reduced values, would be made up by an increase in taxes on all non-affected homes — which would have a "devastating impact" on towns and school districts.

★ Then, there are the U.S. utility companies who are forced to buy the more expensive wind-generated electricity due to an abused 1978 law that was intended to help the U.S. renewable energy industry get on its feet. The Public Utility Regulatory Policies Act (PURPA) was designed to give smaller power players an entry into the market.

If wind-turbine projects meet the guidelines, utilities must buy the electricity generated at "often above-market" costs. Instead, in many cases, big projects, owned by one company, get divided up into different parcels with unique project names, but are still owned by the major developer. Led by Senator Lisa Murkowski (R-Alaska), Rep. Fred Upton (R-Mich.) and Rep. Ed Whitfield (R-Ky.) a move is underway in Congress to review the nearly 40-year-old legislation.

So, residents who live near wind turbines don't want wind turbines. Nor do residents and renters who have them in the viewshed, governments looking to cut costs, utility companies or ratepayers.

Who does want wind turbines?

★ Wind turbine manufacturers, the American Wind Energy Association, and the crony capitalists who benefit from the tax breaks and subsidies — which Robert Bryce, reports total more than \$176 billion "given to the biggest players in U.S. wind industry." He states that the growth in wind energy capacity has "not been fueled by consumer demand, but by billions of dollars' worth of taxpayer money."

If only the rent-seeking crony capitalists want wind turbines, why has the industry experienced such growth? Because the wind energy lobby is powerful. Unfortunately, in December 2015, Congress extended the wind energy tax credits through 2021. But tweaks, such as reforming PURPA, can take place — which would be good, because, it seems, no one really wants wind turbines.

Town of Hanover

Notice of Public Hearing on November 9, 2016 – Letter mailed to property owners within 1,500 feet of proposed Wind Overlay District

**NOTICE OF PUBLIC HEARING ON NOVEMBER 9, 2016
FOR THE TOWN BOARD OF THE TOWN OF HANOVER
BALL HILL WIND ENERGY PROJECT**

PLEASE TAKE NOTICE that the Town Board of the Town of Hanover will hold a Public Hearing on November 9, 2016 at **7:30 pm at the Hanover Town Offices, 68 Hanover Street, Silver Creek, New York 14136** to hear all public comments regarding the Ball Hill Wind Energy Project including but not limited to the Amended Application for a Special Use Permit, a local law introduced on October 24, 2016 to increase the Maximum Height restriction for Wind Energy Conversion Systems from 420' to 495', and a local law introduced on October 24, 2016 to create a Wind Overlay Zoning District in accordance with Article XVI of the Town's Zoning Law entitled "Wind Energy Conversion Systems".

The Amended Application, proposed local laws and other project information are available for public review at the Hanover Town Offices located at 68 Hanover Street, Silver Creek, New York 14136. The Amended Application and the proposed local laws, and documents related to the environmental review of the project are also available for public review on the internet at www.ballhillwind.com.

Town of Hanover

Notice of Public Hearing Published in the *Dunkirk Observer*

The Observer - Legals Print Ad Proof

ADNo: 161221 Customer Number: LHODGS
Customer Name: MARK SWEENEY Company: HODGSON RUSS LLP
Address: 677 BROADWAY SUITE 301
City/St/Zip: ALBANY ,NY 12207
Phone: (518) 433-2452 Solicitor: 012
Category: 140 Class: 151 Rate: L1-0 Start: 10-27-2016 Stop: 10-29-2016
Lines: 54 Inches: 5.28 Words: 203

Credit Card: Expire:
Order Number:
Cost: 38.88 Extra Charges: .00 Adjustments: .00
Payments: .00 Discount: .00
Balance: 38.88

**NOTICE OF PUBLIC
HEARING ON
NOVEMBER 9, 2016
FOR THE TOWN BOARD
OF THE TOWN OF
HANOVER**

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O-161221 Oct. 27, 29, 2016

-Adv.

AFFIDAVIT OF PUBLICATION

State of New York

County of Chautauqua

City of Dunkirk

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O-161221 Oct. 27, 29, 2016
-Adv.

Sheila McWillson, being duly sworn, deposes and says that she is the Principal Clerk, for Ogden Newspapers of New York Inc. the publisher of The OBSERVER, a daily newspaper published in the City of Dunkirk, Chautauqua County, State of New York, and that a notice of which the annexed is a printed copy, was inserted and published in said newspaper on the following dates

October 27, 29, 2016

Signed: Sheila McWillson
Sheila McWillson

Signed before me this 18th day of November 2016

Barbara J. Musso
Notary Public

BARBARA J. MUSSO
Notary Public, State of New York
Qualified in Chautauqua County
My Commission Expires 5/4/19

Town of Hanover

Comments Recorded at the November 9, 2016, Public Hearing

BALL HILL PUBLIC HEARING

Proceedings held at Hanover
Town Hall, 68 Hanover Street, Silver Creek, New York,
taken on November 9, 2016, commencing at 7:30 P.M., before
LINDSEY L. ELLIOTT, Notary Public.

1 TODD JOHNSON: Okay. We'll call the meeting to
2 order. Stand for the pledge to the flag.

3 (Whereupon, the Pledge of Allegiance was
4 then recited.)

5 TODD JOHNSON: If everybody could at this time please
6 remain standing. I would like to have a moment
7 of silence in honor of our veterans for Veteran's
8 Day on November 11, 2016. Thank you. Also at
9 this time the Town of Hanover would like to
10 recognize the veterans present here tonight who
11 have served our country in one of our military
12 branches. At this time if you have served in the
13 military please stand and remain standing if your
14 branch is announced. United States Army?
15 Gentleman in the back row, please state your
16 name.

17 SKIP TAYLOR: Skip Taylor.

18 TODD JOHNSON: And your rank?

19 SKIP TAYLOR: I was E-4.

20 TODD JOHNSON: Thank you for your service. Sir?

21 JIM PLESZEWSKI: Jim Pleszewski, Specialist D-5.

22 TODD JOHNSON: Thank you for your service. Sir?

23 WILLIAM EACKER: William Eacker, United States Army,

1 Chief Warrant Officer.

2 TODD JOHNSON: Thank you for your service. Mr.
3 Ashley?

4 WAYNE ASHLEY: Wayne Ashley, Sergeant E-5, U.S. Army.

5 TODD JOHNSON: Thank you for your service. United
6 States Navy? Sir?

7 MR. RUSSO: ET-3, Petty Officer Russo.

8 TODD JOHNSON: Thank you for your service. United
9 States Air Force? Mr. Rodney?

10 JOSEPH RODNEY: Joseph Rodney, Staff Sergeant United
11 States Air Force.

12 TODD JOHNSON: Thank you for your service. Sir?

13 MIKE JOHNSON: Mike Johnson, United States Air Force
14 Master Sergeant.

15 TODD JOHNSON: Thank you, Mike, for your service.

16 DOUGLAS BUNKER: Douglas Bunker, First Lieutenant
17 United States Air Force.

18 TODD JOHNSON: Thank you for your service. United
19 States Marine Corps?

20 DAN BOYD: Dan Boyd, Air Force Second Lieutenant.

21 TODD JOHNSON: Dan, I'm sorry.

22 DAN BOYD: That's okay. I'm standing.

23 TODD JOHNSON: Thank you for your service. United

1 States Marine Corps?

2 GREG GOLUMBESKI: Greg Golumbeski, Sergeant in the
3 United States Marine Corp.

4 TODD JOHNSON: Thank you, Greg. Mr. Duck?

5 PAUL DUCK: Paul Duck, Marine Corps Sergeant E-5.

6 TODD JOHNSON: Thank you for your service. United
7 States Coast Guard? United States Merchant
8 Marines? I'd like to thank all of you gentlemen
9 for proudly serving our country in the time of
10 need. Truly appreciated. Something that some
11 can do, others cannot do, but thank you for
12 protecting our country and our freedoms today.

13 Okay. At this time we are going to call our
14 public hearing to order in regards to the Ball
15 Hill Wind Energy Project. At this time we will
16 have questions and answers. We will have the
17 privilege of the floor. Comments or questions
18 shall be directed to the town board. At that
19 time comments shall be given and received in a
20 respectful manner. Individual comments shall be
21 limited to one time with a maximum of three
22 minutes. To comment, raise your hand to be
23 recognized. Once recognized, stand and state

1 your name and address and also the town board
2 reserves the right to amend or alter these
3 guidelines at their discretion. Also, we have
4 representatives here tonight from legal firms and
5 also agents from the Ball Hill Wind Energy
6 Project. So we will probably be diverting some
7 of those questions to those folks that are here
8 today in regards to the project. So at this time
9 we will open up the public hearing. At this time
10 I'll turn it over to the folks in regards to the
11 Ball Hill Wind Energy Project to give a little
12 presentation on what they have here tonight, if
13 all of their posters don't fall down. Dan, would
14 you like to start?

15 DAN BOYD: Sure. Thank you. My name is Dan Boyd.
16 I'm with RES, Renewable Energy Systems. We are
17 the developer of the wind farm. I've been with
18 RES about two and a half years, but have been
19 working on wind and renewable energy projects for
20 over twelve years. Most of that twelve years is
21 here in New York State where I'm originally from.
22 RES is a renewable energy developer and
23 constructor. We also have an operation team that

1 operates many projects. We developed --
2 constructed about ten thousand megawatts of
3 renewable energy projects in the U.S. and Canada
4 and about an additional twenty-five hundred to
5 three thousand megawatts worldwide beyond that.
6 To put that in perspective, we are talking a
7 hundred megawatts of a project here where we have
8 done over ten thousand megawatts. So fairly
9 experienced in this. RES has been doing this in
10 the United States since about 1990 or so, 1994.
11 Most of those projects have been built within the
12 last ten to fifteen years. So pretty experienced
13 at this.

14 On top of the experience that RES brings to
15 the table, we also have our experts. Our experts
16 on the project with me here tonight is Mark
17 Sweeney, our counsel on the project as well as
18 Tegan Kondak from our environmental consultant,
19 Ecology and Environment. Both of them have been
20 working on the project and their companies since
21 its inception when Noble first started in 2006.
22 And also is Kristin McCarthy. Kristin has also
23 been working on the project for a long time. I

1 think she knows many of you in the room. And I
2 think we will be working a while together for
3 quite a bit longer hopefully on a great project
4 here.

5 I guess to kind of open up and talk about
6 the project from its inception moving forward,
7 originally as many of you know, it started with a
8 company called Noble Environmental Power back in
9 2006 as I mentioned. Originally it was a
10 sixty-three turbine project about a hundred
11 megawatts. That project went through much of the
12 permitting. It continued with Duke Energy
13 Project, which they revised due to newer
14 technology in 2011. That layout was fifty-six
15 turbines and then it continued -- we continued
16 development today, have taken some advancements
17 in technology into account, as well as many
18 comments and studies that happened over the years
19 and originally proposed a thirty-six turbine
20 project that was heard in a public hearing and in
21 a public forums. Many comments came in and were
22 studied earlier this year. We then had taken a
23 look at those comments as well as additional

1 technology that came out in the market in the
2 recent year and kept the project at a hundred
3 megawatts but actually reduced the footprint of
4 the project. Therefore, reducing many of the
5 impacts. We've reduced wetland impacts, noise,
6 visual, by going through the lower number of
7 turbines and the larger turbine capacity.

8 Over the years this project is probably the
9 most studied project in New York, if not the
10 country. As I mentioned since 2006 environmental
11 studies have been going; wildlife, wetlands,
12 birds, bats, noise, visual, socioeconomic, real
13 estate, everything that's been in the books. I
14 think we have some of them here, but many, many
15 volumes of studies. So, you know, and then once
16 those studies went out, many comments came in and
17 that's how we've come to the project that we are
18 presenting to the town and you here today.

19 Leaving, you know, what I think is an
20 important part to the end, you know, we are
21 actually here asking you to work with us to
22 develop this project, to bring this project.
23 It's also an opportunity for you and we

1 appreciate all the support that we've had, but
2 it's a great opportunity for a number of
3 different reasons.

4 One is the jobs that this brings during
5 construction. There's a large number of jobs.
6 We've seen a lot of them go during the years with
7 all of the different projects that have been
8 built across the state. Two is the operational
9 jobs. There's approximately six to eight
10 long-term operational jobs. But really where the
11 project benefits the local community is the
12 additional payments that come in the form of
13 taxes through a PILOT payment through the county
14 that come back to the town, to the school
15 districts, as well as host community agreement,
16 road use agreement, that happens here with the
17 town. So we make sure the roads are left after
18 we are gone in the same or better condition than
19 they were when we came to town and we continue to
20 make those host community payments for the life
21 of the project.

22 In addition to that, like any power plant, a
23 wind farm has fuel, but ours is clean. It's the

1 wind. In order to get that fuel we pay lease
2 payments to many of the people in this room and
3 to many other landowners that aren't in this
4 room. Those payments that come into this town
5 and those surrounding area, they go around again.
6 It's what we call the cyclical dollar. We see
7 through the studies done for the project a very
8 large economic benefit to the local area. So
9 just some of the numbers on that, just to the
10 town of Hanover approximately eighty-six thousand
11 dollars a year in additional tax payments are
12 going to be made to the town directly. And about
13 six hundred fifty thousand dollars a year are
14 being paid out to all of the landowners for the
15 project. Fairly, fairly, large benefit to the
16 local area.

17 I mean, at this point I think that's kind of
18 my summary and most of all I want to thank you
19 all for being here. We look forward to hearing
20 your questions and comments. May not be able to
21 get to answer everybody's questions tonight, but
22 we will be taking all of the questions and
23 comments down and answering them all in a formal

1 written response.

2 TODD JOHNSON: Thank you, Dan.

3 DAN BOYD: Thank you.

4 TODD JOHNSON: Any questions?

5 PAUL DUCK: Paul Duck, D-U-C-K. I live on Prospect
6 Road out in Forestville and my question -- first
7 of all, I'm in favor of the wind program. I'm
8 not opposed to it. I guess I have a couple
9 questions. One is with relationship to the
10 additional heights from four hundred twenty feet
11 to four hundred ninety-five feet. Is that going
12 to increase the size of the blades or is it going
13 to just be a height difference?

14 DAN BOYD: It's actually an increase -- if you don't
15 mind?

16 TODD JOHNSON: Go ahead.

17 DAN BOYD: It's an increase for the rotor which
18 allows us to capture more wind which allows us to
19 turn a larger gear box and a larger generator.
20 That's how we are able to go from thirty-six
21 turbines down to twenty-nine but still keep the
22 project the same size. The height of the hub is
23 relatively the same.

1 PAUL DUCK: Next question, the overlay zone that is
2 described in the letter I received, how is that
3 going to impact my property -- or, I don't
4 have -- I'm not getting a windmill on my property
5 that I know of and they talk about an overlay
6 zone. How is that going to impact my property?

7 DANIEL SPITZER: With your permission, Mr.
8 Supervisor?

9 TODD JOHNSON: Go ahead.

10 DANIEL SPITZER: Dan Spitzer, special counsel to the
11 town. It will not affect you at all. They are
12 not allowed to build the infrastructure for the
13 wind system without the overlay. It does not
14 restrict any other property owner or the property
15 owners who are part of this project from doing
16 anything else that's allowed out of the town
17 code.

18 PAUL DUCK: Okay. And I guess my last question is,
19 is this project expandable?

20 DAN BOYD: At this point, I don't know.

21 PAUL DUCK: I mean, is there -- if it became feasible
22 at some point could it be expanded relatively
23 simply?

1 DANIEL SPITZER: Well, probably not relatively
2 simply. We are in New York. So the answer is
3 that if you were having substantial expansion you
4 actually go through a different process known as
5 the Article 10 Process. Article 10 was passed --
6 that was passed five years ago and not a single
7 application is complete yet. That's a state
8 level process, so it certainly is to the extent
9 it's technically feasible, but you still have to
10 have an approval process. If it was part of this
11 process it would still go to the town board. So
12 I wouldn't call it simple because it has to be a
13 thorough review.

14 PAUL DUCK: The reason I ask is from where I live
15 there's nothing between me and Detroit to stop
16 the wind so -- and from a line of sight I can
17 just about see Detroit. I can see all the way to
18 Long Point. When I look across the lake from
19 Crystal Beach all the way to Long Point,
20 specifically at night, all I see is red flashing
21 lights and every one of those flashing lights is
22 a windmill. So, you know, if they can do it over
23 there, we should be able to do it here.

1 TODD JOHNSON: Thank you, Paul. Yes, sir?

2 COLIN ERDLE: Colin Erdle. I don't see any -- are
3 those pictures of what the transmission lines are
4 going to look like? Is that from Dennison or
5 King?

6 TEGAN KONDAK: I'm trying to think. It's from New
7 York State 39 looking southwest to northwest.

8 MARK SWEENEY: Can you identify yourself for the
9 record?

10 TEGAN KONDAK: I'm sorry. I'm Tegan Kondak. I can
11 bring it up for you.

12 COLIN ERDLE: Okay.

13 TEGAN KONDAK: There's also other simulations in the
14 application you can look at.

15 COLIN ERDLE: How high are these transmission lines
16 going to need to be?

17 DAN BOYD: I can't remember the exact number --
18 seventy.

19 COLIN ERDLE: So they don't need to be six hundred
20 and ninety-five?

21 DAN BOYD: No, that's the wind turbines.

22 COLIN ERDLE: Then why are you asking for four
23 hundred ninety-five for the entire zone instead

1 of just where the windmills are supposed to go?

2 MARK SWEENEY: Actually what we are asking for is an
3 increase in height for the maximum allowable
4 height of a wind energy working system, which is
5 defined under the code as WINDR. So that's a
6 wind energy facility because it's related to it
7 but it's not what they call a WECS, Wind Energy
8 Conversion System. So that height restriction
9 would not -- that height expansion, that
10 provision doesn't apply to that at all.

11 COLIN ERDLE: Okay. So the lines we are going to
12 have to look at are only going to be seventy feet
13 tall?

14 MARK SWEENEY: Correct.

15 DAN BOYD: Approximately. We haven't engineered them
16 yet.

17 COLIN ERDLE: So if you haven't engineered them yet,
18 would it be possible to bury them?

19 DAN BOYD: We did look at that and it's not feasible
20 for the extent of it.

21 COLIN ERDLE: Because of the wetlands or because of
22 the economics?

23 DAN BOYD: A lot of different reasons. Wetlands is

1 one of them.

2 MARK SWEENEY: Wetlands is one of the major reasons.

3 DAN BOYD: And a lot of the spans are specifically
4 spanned to span over wetlands areas, not to go
5 through them.

6 MARK SWEENEY: One of the things that agencies that
7 regulate the wetlands, the DEC and the Army
8 Corps, require for these is either to span the
9 wetland all together or you're only going to have
10 a pole in the wetland. And you try to avoid that
11 as much as possible.

12 COLIN ERDLE: You can't bore a tunnel underneath?

13 MARK SWEENEY: You can go underneath them but through
14 them is a different story. And they have to be
15 maintained clear so that it can be accessed for
16 maintenance.

17 COLIN ERDLE: Okay. Thank you.

18 TODD JOHNSON: Thank you, sir. Yes, ma'am?

19 LUCILLE FACHEVSKI: Lucille Fachevski, Copper Road.
20 I'm also concerned about the transmission lines.
21 They are going to be within a view of a beautiful
22 sky that I look at. I would like to know just
23 how many are there going to be? How far are they

1 going to be apart or are there going to be
2 numerous close together? I'm not getting any
3 compensation for that, but how is that going to
4 affect my property value?

5 DAN BOYD: Ultimately we have some initial spans that
6 we estimated that are in the application. But a
7 lot of the focus for this was to minimize both
8 the visual as well as the clearing in wetland
9 impacts. So that's why you see a monopole
10 structure. Many of the transmission lines you
11 see around are the H-frame structures that are
12 much larger, take up a wider area. And the other
13 side of it is we've gone with the tower that
14 actually, like it gets the patina on it, so the
15 intent is to blend in more. So there's going to
16 be a monopole instead of the H-frame. We also
17 went as low as we can go. Some of the initial
18 towers we were looking at were taller. We've
19 modified that to come down to the seventy foot.
20 We made a lot of adjustments on keeping it
21 smaller. I don't remember the spans off the top
22 of my head, but Kristin may.

23 KRISTIN MCCARTHY: Well, for the smaller towers the

1 spans are shorter. So four hundred to six
2 hundred.

3 DAN BOYD: Yeah, so four hundred to six hundred feet
4 between them. The idea is the less poles we put
5 in, the cheaper it is for us to put in, the less
6 you see. So it's a win-win.

7 LUCILLE FACHEVSKI: Maybe not necessarily a win-win.

8 DAN BOYD: We'll try to span them as much as we can.

9 LUCILLE FACHEVSKI: It does affect property value no
10 matter how you look at it.

11 DAN BOYD: That was part of the other question. So
12 there is a very, very detailed property value
13 analysis that's in our study. There's also been
14 many other third-party studies that have been
15 done in other states, other projects, other
16 regions that are references. And ultimately what
17 it comes down to is you have to look at the full
18 project, the tax dollars coming in, the benefits
19 coming into the area. When you look at that, the
20 towns are able to then, you know, potentially
21 increase services or increase things and in a lot
22 of cases reduce taxes. I'm not quite certain
23 that is going to happen here, being it's a small

1 portion of the project, but what you do see are
2 those benefits increasing property values. It's
3 not just our study, it's pretty much every study
4 that's been done that's peer reviewed on
5 renewable energy.

6 TODD JOHNSON: Lady in the back by the poster.

7 LINDA HALL: My name is Linda Hall and my family has
8 a farm on Ball Hill, just off Ball Hill on
9 Bartlett. I see there's a windmill there. What
10 will that do to aircrafts making approaches, the
11 height of it?

12 DAN BOYD: Sure. Anything above two hundred feet
13 needs to file with the FAA, which we've done. We
14 have done very extensive work with both first FAA
15 consultants that ran all of the different flight
16 paths, different radar and visual and
17 instrumentation routes. We also did the
18 permitting through the FAA. We received
19 determinations of no hazard from the FAA. We
20 also met with the local airport up in Dunkirk.
21 Ultimately their request was to stay six nautical
22 miles from the airport. Every one of these
23 turbines is beyond six nautical miles of the

1 airport.

2 LINDA HALL: This is a small family air strip that's
3 been there since 1957. It's right on Bartlett
4 Road.

5 DAN BOYD: We can look into that. I don't recall
6 that being apart of anything. Is it a registered
7 air strip?

8 LINDA HALL: Probably not, but it's been there since
9 '57 and it's still being used.

10 DAN BOYD: Okay. We will have to look into that.

11 LINDA HALL: Okay. How do you go about doing that?
12 Do you need names?

13 DAN BOYD: We will go into the registry because the
14 air strip has to be something that's registered.

15 LINDA HALL: It's probably not registered, but it's
16 been in use since 1957.

17 DAN BOYD: Okay.

18 MARK SWEENEY: If you can get us the property address
19 that will be a starting point for us to look at
20 it.

21 DAN BOYD: I can give you my card and you can get us
22 the information.

23 LINDA HALL: I called the FAA today.

1 TODD JOHNSON: Gentleman in the back with the gray
2 shirt.

3 SKIP TAYLOR: Skip Taylor. Question for you, sir.

4 DAN BOYD: Yes, sir.

5 SKIP TAYLOR: When you come out of Texas, cross 10,
6 head north on 30 or 20 and I think it's in
7 Arkansas, there's a wind farm down there. You
8 don't --

9 DAN BOYD: I don't know that one.

10 SKIP TAYLOR: I bet you travel a hundred miles and I
11 almost ran off the road six times trying to count
12 them. There's more than you can think of. Has
13 anyone else gone there? To me it's fascinating.
14 It's like watching a campfire. I'm going to be
15 looking at these and I wrote a little letter here
16 to the Town of Villenova. Can I read it?

17 TODD JOHNSON: Go ahead.

18 SKIP TAYLOR: Okay. I have been to a few meetings
19 and listened to all sides intently at these
20 meetings. Some people oppose the windmill and
21 others are in favor. Villenova, in my option --
22 in my opinion -- I can't even read my own
23 writing -- has been very generous as possible in

1 trying to keep the tax roll as such that the
2 people living there don't have to pay more than
3 possibly necessary. The taxes on the gas well is
4 about ninety something -- here's a man those
5 knows more than I do -- is about to run out and
6 things are going to get more hectic than they are
7 now. Villenova has expenses with employees,
8 equipment and just about every day doing
9 business. There are roads that are still dirt.
10 They have to buy salt, run equipment on a daily
11 basis in summer and winter. It's not cheap. The
12 money has to come from someplace and if you have
13 a little bit of business mind, you know that
14 running a business takes a lot of money.
15 Villenova is business, supplying a service to the
16 tax payers. You go into a store and you buy
17 goods that the store already purchased for your
18 taking, but you have to pay for it. Go to a fast
19 food establishment and you pay before you taste.
20 Villenova has a lot of expenses and has to be
21 paid for by the people living in the township for
22 their benefits. The way I see it, a wind farm is
23 a God sent to Villenova, Hanover, Arkwright,

1 everybody else. Much needed money will come and
2 pay for the bills so our taxes will stay
3 reasonable. Without this money more than likely
4 our taxes will have to go up and then we will
5 have a new complaint about what it will cost out
6 of our pockets.

7 The wind farm will help out in keeping this
8 township alive. It will give much needed money
9 to update the equipment, keep the people happy
10 and supply a service that a lot of people are
11 complaining about not having. The way I see it,
12 the tax roll the way it is now, we are not
13 raising the township -- without raising the tax
14 roll with this added money the township could get
15 new equipment every couple years. Get the roads
16 that are in dire need repaired and act like
17 normal townships with the windmill money. I will
18 look dead into the windmills in the back of my
19 property like some of you people and probably be
20 sitting in the chair watching the windmills in
21 the summer instead of the vehicles going up and
22 down the road. You ever see the garage doors
23 open with chairs and they watch the vehicles go

1 down? I think they're fascinating myself. You
2 go to Buffalo and what do you do? You almost get
3 in a car accident watching the windmills over the
4 lake. The Town of Villenova needs them. The
5 people need them. Over one and a half million,
6 am I correct? Over one and a half million
7 dollars will come into the township?

8 DAN BOYD: Every year the numbers that I was talking
9 about --

10 SKIP TAYLOR: Will come into the township. To me
11 this is a blessing. I have learned through the
12 years that I have to look at the greater picture
13 and take it off of myself for the good of
14 everybody. I am in favor of the windmill farm
15 because our township needs it. There's been some
16 arguments, please forgive me, I don't want to
17 step on anybody's toes, but about birds and
18 animals and this and that. I'm sure you all know
19 a bat will fly through a moving barn fan without
20 ever touching a blade. There's a man that knows.
21 When I go down a road and a bird hits the grill
22 on my car, I did not kill that bird. That bird
23 committed suicide. When I hit that bird at sixty

1 miles an hour there's no chance for it. A
2 windmill, they can dance around a windmill blade
3 without getting hurt. If they want to hit the
4 windmill, God bless them. Thank you.

5 TODD JOHNSON: Thank you, Skip. Gentleman with the
6 black hat?

7 JOHN HARVEY: I'm a Town of Villenova resident, John
8 Harvey. I support the windmill farm. I'm a
9 skeptic myself. I've done research, ungodly
10 hours of internet, for the impacts, environmental
11 and everything. And like the gentleman said,
12 been on the project since 2006. Those guys have
13 went far beyond what I ever expected. And at the
14 last meeting I was at the gentleman brought in
15 what the 2006 study was and it was far beyond
16 what I even scoped.

17 I'm in favor of it now. Doing the research
18 I did, economically our area is economically
19 stressed right now. Anything we can do for this
20 thing to set forth is going to impact our
21 economic structure in this area. We are
22 depressed. Our townships are struggling, our
23 people are struggling, we have no jobs here.

1 Money goes where money is, our support is. These
2 windmills are going to support a lot of
3 economical impact as far as our structure is
4 concerned. Not only the townships but their
5 equipment, but it's going to go far beyond that.
6 Once these windmills come in and we have energy
7 that's renewable and green, industry will look at
8 that. And it's a win-win situation.

9 We are looking at an impact that we are
10 going to get jobs from this. Not only from the
11 construction of this, but it's going to be such
12 an economical impact. I don't foresee our taxes
13 going down at least two or three years. Like the
14 guy said, it's going into our townships and
15 stuff. I don't see that, but I don't mind paying
16 the taxes but we are going to get almost that
17 much money back into our tax thing and we're
18 going to double whatever we have now. And you
19 can see what we have now. Can you imagine
20 doubling that? We have nothing so we are going
21 to end up with something. We went from nothing
22 to something. It's a win-win situation.

23 As far as environmental impact, like you

1 guys said the bats and stuff, I said at the last
2 meeting that if you're worried about the birds
3 and bats getting in trouble with these things, I
4 did research on that. It's not going to happen.
5 But you do have a resident within your house
6 that's going to impact a whole lot more than what
7 these windmills are and that's Felix, the cat.
8 If he gets a bird in the house he's going to
9 chase it.

10 As far as environmental impact, if anybody
11 is concerned other than aesthetics of the things,
12 it can be a soothing practice to watch these
13 things. It's been studied both ways. It's bogus
14 what people have put on the internet. You have
15 to be careful. Just because it's on the internet
16 it's not necessarily true. I've seen pretty far
17 fetch things. People have gotten brain damage
18 from these things going around. Really? It's
19 bogus. So I'm urging everybody here to please
20 give it a chance. Look into it, research it.
21 Don't make a rational decision. Rational
22 decisions always come back to bite you. Please
23 research it and I think once you do research it,

1 you'll find the project is far within its means
2 of economical and as far as the DEC is concerned,
3 if they are happy with it then the rest of us
4 should be happy. So please support it. Thank
5 you.

6 TODD JOHNSON: Thank you, John. Lady in the front
7 row?

8 NANCY CINELLI: Nancy Cinelli, Forestville. You
9 know, the posters are beautiful.

10 TODD JOHNSON: Whereabouts in Forestville, ma'am?

11 NANCY CINELLI: Hurlburt Road.

12 TODD JOHNSON: Okay. Thank you.

13 NANCY CINELLI: Could someone explain them a little?
14 I'm trying to find out where the nearest windmill
15 is to my property. You know, the number of
16 parcel ID's, I can't see up there at all. And
17 there are street names missing. So I want to
18 know how close these windmills are going to be to
19 my property. I can't figure it out there. Could
20 you explain it in a little more detail.

21 DAN BOYD: I guess the one thing I could say is
22 obviously the towns a number of years ago, I
23 think with the help of Mr. Spitzer, developed a

1 law that regulates wind energy facilities. That
2 set appropriate setbacks based upon industry
3 standards. Those setbacks in the towns are a
4 thousand feet from residences. RES, we always --
5 that's not something we typically do. We
6 actually have a higher standard we set on
7 ourselves. I can go through the posters as well,
8 but one of the things you'll see here is in 2008
9 of the turbines, twenty-five of them were within
10 twelve hundred feet of residences, which is still
11 over the thousand feet that's the requirement
12 from the town. And in 2011 the project went down
13 to seventeen and in the current layout we are
14 proposing not one turbine, zero turbines, are
15 within twelve hundred feet of a residence. That
16 still doesn't answer your question but to try to
17 put it in a little bit of context. Many of the
18 projects in New York State and this country
19 worldwide a thousand feet, some areas are closer
20 to that, but in New York it's about a thousand
21 feet. So we've even gone another twenty percent
22 further than that for the closest turbine in the
23 entire project.

1 What you see on these different posters,
2 this one is really just kind of an overall map of
3 what's happening in Hanover, what we propose in
4 Hanover with the six turbines and the
5 transmission lines. This one here is the
6 viewshed. And basically -- hopefully we can help
7 you. If you can't locate where your home is on
8 the map, we will help you find your home on here.
9 Maybe Kristin can help you. And you can see
10 based on the color from your home how many
11 windmills you will see from your home.

12 So as you can see, everywhere there's gray
13 on here you won't be able to see windmills.
14 Going all the way up to some areas you'll be able
15 to see pretty much the entire windmill array and
16 those are the areas that are in the darker red.
17 The numbers that are on here; the eight, seven,
18 and the white circles, those are the view points
19 that were taken photos that are actually visual
20 simulations that are in the application in the
21 application in the Environmental Impact
22 Statement. They are just like that. We only
23 brought some of them because if we brought all of

1 them we would all be underneath photos right now.
2 There's a lot. The other one back there, that is
3 the same map but also does the flicker analysis.
4 So one of the concerns is that when the blades go
5 around and in front of the sun that you get the
6 blade going by and you get a shadow and then a
7 shadow. So what that shows you if we didn't have
8 any cloudy days, if the sun was shining perfectly
9 all the time, how many minutes you would have
10 shadow at the exterior of your home. It doesn't
11 say there's a window there coming in or anything,
12 but at the exterior of your home. So you do the
13 same thing.

14 We'll help you find where your house is on
15 there and you'll know how many minutes in a year.
16 So it's over the entire year. We are talking the
17 most on the map is less than three tenths of one
18 percent a year. I think that answered most of
19 your question. We'll be happy to help you find
20 it.

21 TODD JOHNSON: Thank you, ma'am. Sir?

22 STEVE BOUMAN: My name is Steve Bouman. I have
23 property on Empire Road. I want to say I support

1 the wind project. What you don't get from the
2 wind is the byproduct you get from coal. I want
3 to point that out. The mercury and cadmium,
4 that's why you're only supposed to eat fish out
5 of Lake Erie once a week. My question is, is
6 there any stored energy below the windmills and
7 is there any interference with cell phones, TV's,
8 satellites, any of that?

9 DAN BOYD: So there's no energy storage proposed on
10 this project. RES also does energy storage.
11 Energy storage is a big push right now in energy,
12 in renewable energy especially. There is no
13 storage proposed for this project currently. I
14 don't know if we ever will, but we do do that.
15 From a communication standpoint, that is also
16 studied as one of the things I probably left off
17 my list. It's a very, very long list. If I
18 stacked up the list like the one gentlemen said,
19 they will be about this high of all the studies
20 done by many of our experts. TV, cellular,
21 microwave, radar, radio, you name it, the studies
22 are in there. Ultimately there -- I can't speak
23 to the detail, but I don't think we saw any

1 impact to cellular. We didn't see any impacts to
2 TV for the most part. If there are small areas
3 where there is issues with TV, it is something we
4 will be willing to work with someone with.

5 MARK SWEENEY: Under the town's laws we are required
6 to have a complaint resolution procedure. Once
7 the project is up and running if you experience a
8 problem there will be a number available for you
9 at the town hall both in Villenova and here, on
10 the intersect, the website for the project as
11 well, where you can contact RES, tell them about
12 your issue and then it will be addressed. That's
13 one of the requirements the town proposes on us
14 to make sure as the project goes forward, there's
15 an open line of communication between you and the
16 company.

17 DAN BOYD: All these studies I mentioned as well as
18 being at the Town Hall in both towns, they are
19 also on the website, which is Ball Hill winds dot
20 com. You can just Google that if you don't
21 remember the exact address.

22 TODD JOHNSON: Thank you. Joe?

23 JOSEPH RODNEY: Hi, Joseph Rodney. Silver Creek or

1 Forestville. It depends on what side of the road
2 I'm standing on. My first question is, these new
3 windmills, where are they produced?

4 DAN BOYD: So they are manufactured by Vestas which
5 is a Danish company which has manufacturing
6 facilities in Colorado.

7 JOSEPH RODNEY: Okay. And then my second question
8 is, if there ever comes a day this whole project
9 becomes defunct and the windmills fail, what's
10 the end game for the windmill?

11 DAN BOYD: So there is a decommissioning procedure as
12 well as a decommissioning bond for the project.
13 So if RES or an owner of the project long down
14 the road does not continue to maintain and
15 operate the project, there's a procedure and a
16 bond in place to remove the facility.

17 JOSEPH RODNEY: One more quick question. Your
18 voltage on your transmission lines?

19 DAN BOYD: The transmission lines is a one hundred
20 and fifteen KV transmission line. So lower
21 voltage than the main lines that run through the
22 area. And in the farm it's thirty four thousand
23 five hundred volts, which is approximately what

1 they run on the streets.

2 TODD JOHNSON: Thank you, Joe. Sir?

3 HOWARD CROWELL: My name is Howard Crowell. I live
4 in the town of Villenova. I was on the town
5 board in Villenova in 2008 when this project was
6 proposed originally. I was in favor then and I
7 still am. I want to stress to this board how
8 important the project is to the Town of
9 Villenova. We are a poor town. We don't have
10 all the businesses you have here in Hanover. We
11 don't have any grocery stores or car dealerships
12 and stuff like that. Our total budget in the
13 Town of Villenova is a little over six hundred
14 thousand dollars. They are talking about a PILOT
15 agreement of three hundred and six thousand which
16 is around six percent of our budget.

17 We are known for our poor roads in
18 Villenova. We have vacant houses popping up
19 everywhere every time you turn around. The town
20 clerk says every time taxes are paid there's a
21 stack of unpaid bills that go to the county every
22 week -- every year, I'm sorry. So if this
23 project goes, it's going to make a big influence

1 on our taxes over in Villenova. And what I'm
2 proposing is that if that's your goal with a
3 little bit of extra money maybe after we're done
4 paying our taxes maybe we'll come over to Hanover
5 and buy a fish supper, buy groceries, buy a car,
6 liquor store and when we get our roads fixed you
7 can come over to visit our windmills.

8 TODD JOHNSON: Thank you, Howard. Sir, go ahead.

9 MIKE WHITE: Mike White from Silver Creek. I have
10 two questions. One is, where does the energy
11 that these windmills produce go? Does anybody
12 locally benefit from the electricity? It's not
13 going to cut your electricity bill, right?

14 DAN BOYD: So the way the powergrid works in New
15 York, same way as it works in a lot of different
16 what we call power pools around the country. New
17 York, we have our own. The way New York works is
18 it's really a big pool and there's a lot of hoses
19 that go in and there's a lot of drains at the
20 bottom. We are all the drains, every light
21 switch, every house, every meter. So really
22 every power plant is a hose into that pool
23 pouring water in and every business, person,

1 area, it takes the water out the bottom of the
2 pool. I don't know where these electrons are
3 going to go other than us putting them into that
4 transmission line that goes right along the 90
5 for as far as we know.

6 MIKE WHITE: So won't it go to Jamestown?

7 DAN BOYD: And really at any substation along the way
8 there it spans out and comes out and the
9 electrons just go to where the first light switch
10 goes on. So the first light switch that's
11 closest to the substation is where this gets
12 injected.

13 MIKE WHITE: I have a sister that lives in
14 Lackawanna. From her upstairs window she can see
15 the windmills over the lake. She sees no benefit
16 from the windmills. It didn't affect her
17 electric bill. She lived there before the
18 windmills. Since the windmills were put in,
19 like, people that have a gas well put on their
20 property, they get free gas. You have a windmill
21 on your property, you don't get free electric.

22 DAN BOYD: So you do see the income from that and you
23 also see the tax benefits. And the more wind

1 that we do see put on the grid, you will see
2 prices go down. Basically what happens is like
3 other generation, wind does not have a fuel cost.
4 Wind bids into the power pool at zero every day.

5 MIKE WHITE: Yeah, but that's assuming an increase --

6 DAN BOYD: That's up to us. So when you have wind
7 projects putting zero onto the grid, hydro
8 projects putting zero onto the grid, solar
9 projects putting zero onto the grid because they
10 have a free resource and they are going to
11 generate no matter what, that pulls the clearing
12 price of the grid down. You're not going to see
13 your price going down if we're needing more and
14 more and you're going with the higher priced
15 fuels that are out there. The more of these low
16 cost fuels that you put on the market, the higher
17 you put that stack, the higher you push out of
18 the clearing price, the more expensive
19 generators. That's the way the market works.
20 When you put on one one hundred megawatt wind
21 farm or in the case of Buffalo a few wind
22 turbines, when you need twenty-five gigawatts for
23 the entire state, it doesn't push that enough.

1 What I'm trying to do is push that up so that we
2 do see a benefit.

3 MIKE WHITE: Okay. My second question is, you say
4 it's going to generate jobs. Are you going to
5 hire local or are you bringing -- they put in a
6 gas line up in Langford. Every worker on that
7 gas line came from West Virginia.

8 DAN BOYD: I can't speak for the gas line, but we do
9 this in a lot of places.

10 MIKE WHITE: Are you going to hire local for the
11 construction?

12 DAN BOYD: We will hire local as much as we can. It
13 does not pay for us to bring in people from
14 Colorado and bring them to here.

15 MIKE WHITE: You don't bring in your own crew from
16 other states?

17 DAN BOYD: I don't know. I don't think we intend to.
18 I can't commit to that. I'm the development guy,
19 but we do not typically bring people in from
20 other places to build projects. It's not
21 economical.

22 MARK SWEENEY: I can add to that a little bit.
23 Having worked on a number of wind projects across

1 the state that local laborers are always used to
2 the extent possible. If there's a specialized
3 need for equipment operators or electrical
4 workers or something along those lines, that may
5 have to be brought in. But to the extent
6 possible, local laborers are used, local
7 suppliers are used, local vendors are used. It
8 makes sense to get everything as close to the
9 project as you can to reduce the cost.

10 DAN BOYD: To expand on that, our estimating team and
11 construction team is already in touch with many
12 local vendors in this area about working on this
13 and other projects we are building in the state.
14 This is not the first project we build in the
15 state. We have been selected to build another
16 project in the state for another developer and we
17 are working on hopefully building others. So we
18 are in touch with a lot of New York contractors.

19 TODD JOHNSON: Thank you. Yes?

20 CARRIE VASQUEZMARTE: My name is Carrie Vasquezmarte.
21 You guys are all worried about economics and
22 stuff. What about the sound it produces? I have
23 a child. She's a year old and she has auditory

1 processing disorder. I have been reading up on
2 it. I'm all for clean energy, but I'm not for
3 the effect that it will cause on my child. And
4 from -- I spoke to Tegan and from what I
5 understand, I'll be seeing quite a few of them
6 from my backyard, you know.

7 DAN BOYD: I think we should talk in more detail and
8 make sure we get you all the information. And
9 get people that know a lot more and are a lot
10 smarter than I am to speak to that.

11 CARRIE VASQUEZMARTE: Does it also affect like
12 pacemakers, anything like that?

13 DAN BOYD: No.

14 CARRIE VASQUEZMARTE: It doesn't?

15 DAN BOYD: I was just going to -- after qualifying
16 that I'm a civil engineer, I deal with dirt and
17 steel, that stuff is much more complex than my
18 know-how. But we did have experts look at all
19 this. The noise levels this project puts out are
20 far below and I think that's one thing I missed
21 before. With extending the distance we are from
22 residences and reducing the number of turbines in
23 the project, we reduced the level of sound at

1 residences significantly from previous projects.
2 To get the detail of your question we should
3 definitely have smarter people. But I would
4 assume --

5 CARRIE VASQUEZMARTE: Yes, sir.

6 MARK SWEENEY: It's important to know also where you
7 live relative to the turbines because the
8 distance that you live from them, even if you can
9 see them, the sound doesn't travel like your
10 vision.

11 CARRIE VASQUEZMARTE: If I'm going to see six to ten
12 and background noise effects children with this
13 disorder and if you see six to ten of them,
14 you're obviously going to hear them.

15 DAN BOYD: Not necessarily.

16 DANIEL SPITZER: Not necessarily and we will set you
17 up with one of the experts. When you have
18 multiple towers it's not like, for example, if
19 you're far enough away that the noise is at a
20 background level at forty decibels. It's not
21 forty decibels plus forty decibels plus forty
22 decibels. When you have multiple noise sources
23 It doesn't actually add. The noise covers over

1 each other. When the wind is really blowing,
2 it's not the turbines you can hear, for example.
3 So there's noise experts that look at a lot of
4 these things, but usually the main source of
5 auditory impact is going to be the closest wind
6 turbine to you. Then they look at the second one
7 and that usually adds three decimals. But for
8 the most part, that's what you want to know. So
9 they need to know exactly where you are to answer
10 your question.

11 CARRIE VASQUEZMARTE: Okay.

12 TEGAN KONDAK: We can look at the map together, but
13 no resident is within the fifty decimal noise.

14 MARK SWEENEY: The town's law set a standard that the
15 noise levels can't exceed fifty decimals at the
16 exterior of any residence. We studied that to
17 make sure all the turbines, the substation and
18 all the other components, that there's no levels
19 above fifty decimals at any residence. So that
20 is step one. The DEC also has a guide on how to
21 assess noise impacts. That's all been discussed
22 and analyzed in the noise report. That looks at
23 how much it changes over the ambient level. We

1 are in compliance with that as well.

2 CARRIE VASQUEZMARTE: Okay.

3 MARK SWEENEY: So it's a very good question you
4 asked. Very important, but it is something
5 that's been looked at thoroughly and we will be
6 happy look at your specific questions.

7 TODD JOHNSON: Ma'am?

8 ROSEANN MOHNEY: Hi, my name is Roseann Mohney and I
9 received a notice for this because I live up on
10 Stebbins Road. I am going to be a ways away from
11 the turbines, but I want to know what the impact
12 will be that more outlying areas have received
13 this notification. And then secondly, you
14 brought up fifty decimials. What is that equal to
15 that we would understand?

16 DAN BOYD: A refrigerator in your kitchen.

17 MARK SWEENEY: I'm not sure what the conversation
18 level is, if you remember? Forty-two to
19 forty-four decimials is a common conversation.
20 I'm projecting my voice right now so I'm a little
21 above that. So a normal conversation in your
22 house is about forty-two to forty-four. So the
23 reason the notices had gone out that far is the

1 town has an extensive notice provision in its law
2 that anywhere around specifically the wind
3 overlay district, if you're within fifteen
4 hundred feet of that you get a notice for this
5 meeting. It doesn't necessarily mean there's
6 anything near you, it just means you fall within
7 that basket. It's quite an expansive notice
8 provision. So your town was doing a good job.

9 ROSEANN MOHNEY: That's great, but how will that
10 affect property or our life, you know, as it goes
11 on every day?

12 MARK SWEENEY: Property values were studied and
13 there's a study in the application, which is
14 another requirement this town has in its law.
15 Basically, as Dan answered a little bit earlier,
16 the studies have been reviewed and found there's
17 really no negative impact on property values at
18 all. There's some studies that suggest because
19 of the increase flow of money into the community
20 which lowers taxes and creates jobs and creates
21 spin-off benefits for business, that can actually
22 make it a more attractive place for people to
23 come and live, which can elevate the property

1 value. That's the way the studies have worked.

2 And then as far as impacts to the community,
3 that's also studied in the Supplemental Draft
4 Environmental Impact Statement which was done as
5 well as the application. And basically what
6 you're boiling it down to is the visual impact.
7 You'll see the turbines. So the visual points
8 are assessed with photo simulation, facts and
9 studies done. By all means, I can't answer your
10 question specifically to your home, but the
11 information is available.

12 ROSEANN MOHNEY: So it's more of a visual impact at
13 that distance?

14 MARK SWEENEY: Correct.

15 TEGAN KONDAK: You said you're on Stebbins Road? So
16 you're on the northern end of the project
17 boundary. So the turbines are actually pretty
18 far south from your property. It's more of the
19 switch line that bumps it up from the 115 KB line
20 that Dan was talking about to the main line along
21 the 90 and then the transmission line through the
22 area.

23 ROSEANN MOHNEY: Where is that station that bumps up

1 the area?

2 TEGAN KONDAK: You can come here if you want. It's
3 on the edge of the picture.

4 ROSEANN MOHNEY: So the actual bump up station -- I
5 can talk to you about that after. Okay. Thank
6 you.

7 TODD JOHNSON: So now back to the decimals. That was
8 fifty decimals?

9 MARK SWEENEY: Correct.

10 TODD JOHNSON: So, you know, just as a question to
11 you, maybe you may know the answer, maybe you
12 don't, but when you have a semi coming down the
13 New York State Thruway getting off the exit and
14 they hit their Jake brake, what is the decimal
15 limit level on the New York State Thruway?

16 MARK SWEENEY: I don't know if there's a specific
17 level on the Thruway. Those standards for trucks
18 are set. The DOT probably controls that and it's
19 more than fifty.

20 TODD JOHNSON: Because if you get off in Hamburg
21 there's a sign that says not to exceed ninety
22 decimals. So if you put that into perspective,
23 Roseann, a semi with a Jake brake slowing down,

1 you're about eighty-five decimals.

2 DAN BOYD: A refrigerator is fifty.

3 TODD JOHNSON: Just putting it into perspective when
4 you're talking about decimals. Mr. Wooley?

5 MARK WOOLEY: Mark Wooley. Tonight I'm here for the
6 cemetery board for Pioneer Cemetery. I
7 understand you have a transmission line going
8 through that area. My question is, how is the
9 transmission line going to be put in and where
10 would that be in effect on the cemetery property
11 itself?

12 DAN BOYD: Would you be able to help us understand
13 where that cemetery is? I'm not familiar with
14 it.

15 MARK WOOLEY: Sure. It's coming right outside the
16 village.

17 TODD JOHNSON: All set, Mark?

18 MARK WOOLEY: Certainly.

19 TODD JOHNSON: Thank you. Ma'am?

20 JUDY PHILLIPS: Judy Phillips, Silver Creek, South
21 Dayton Road. I'm a resident of Villenova. I've
22 been following this project since 2008. I've
23 been on both sides of the fence. As a landowner

1 that was approached for a lease back in '08 and
2 I've also been to the largest turbine project in
3 the state up on Tug Hill, I've been to Madison
4 and I'm opposed to this project and yet I
5 understand why a lot of people would be in favor
6 of it. It is hard to argue against the type of
7 PILOT payment and the type of money that could
8 come in to both Villenova and Hanover, but I have
9 some questions that I've been waiting since
10 February to have answered. Will the rotation of
11 the blades affect over-the-air television? Will
12 it interfere, will it eliminate them and how will
13 you mitigate it other than setting up a complaint
14 line?

15 DAN BOYD: We have answered that. Not only in the
16 study --

17 JUDY PHILLIPS: I read it.

18 DAN BOYD: -- but in the last hearing and just
19 already this evening. The study showed there
20 would not be adverse impact and if there was
21 adverse impact we would mitigate. We are not
22 certain what that mitigation is until we know
23 what the issue is.

1 MARK SWEENEY: Excuse me. Also, so you know, all of
2 the answers to those questions because you're
3 talking in February. You're talking about the
4 hearing on the Supplemental Draft Environmental
5 Impact Statement. All of the comments from that,
6 all of the comments from the Villenova hearing,
7 all of the comments from this hearing will be
8 summarized and answered specifically in the final
9 Environmental Impact Statement. So we've tried
10 to give you answers during these hearings so you
11 have information, but they will be formally
12 responded to in the Final Environmental Impact
13 Statement.

14 JUDY PHILLIPS: I see. All right. What about
15 interfering with NOMA? That will also -- because
16 I haven't read anything and I have, you know, the
17 communication papers right here. In fact, if the
18 gentleman there would like to see. These are all
19 in these binders that are available behind to
20 every person here that are in your town clerk's
21 office.

22 DAN BOYD: That is being responded to in the FEIS,
23 but it's nothing new. We all have seen this

1 happen, the interference the projects show on the
2 weather radar and so many other areas in the
3 state. There is potential for that, but we all
4 understand when we see that it looks like it
5 could potentially be raining in small areas
6 around the Bliss Project --

7 JUDY PHILLIPS: What about snow? I mean --

8 DAN BOYD: You do see a difference, but it will be
9 answered in the FEIS.

10 JUDY PHILLIPS: Since you haven't updated your
11 numbers from the 2008 Noble Project on the number
12 of construction vehicles that it will take for
13 the construction phase and also the number of
14 vehicles to bring in the crane and the turbines,
15 I had to estimate it. So would I be correct in
16 stating that it will take about twelve thousand
17 three hundred roundtrip loads for just the gravel
18 and soil removal for this project?

19 DAN BOYD: I don't have those numbers.

20 DANIEL SPITZER: The numbers would not be the same in
21 2008 because --

22 JUDY PHILLIPS: I am aware of that. That's half of
23 what was in '08.

1 MARK SWEENEY: Just so you know in connection with
2 those trips, one of the things we are obligated
3 to do with the towns, both towns, is to enter
4 into agreements to protect the roads. We have to
5 identify the roads that we're going to use, which
6 we've done. We will then have to once before
7 construction commences is assess those roads with
8 both photographs and video to determine their
9 current condition and suitable. Identify areas
10 that need to be improved to accommodate those
11 trucks and then also maintain them during the
12 construction and then at the end of the
13 construction make sure they are in suitable
14 condition. If we have to change a turning radius
15 or something like that for a truck to make a
16 swing, we'll remove that. So all of that. The
17 trips that are there, yes, they are what they
18 are, but there's provisions both towns will
19 require to make sure your roads remain passable
20 and safe during construction and then at the end
21 of the construction stay in a suitable condition
22 for future use.

23 JUDY PHILLIPS: I read somewhere that the average

1 warranty on a wind turbine is two years and can
2 be increased up to five years and that the
3 likelihood of equipment failure increases in
4 later years of the project. Is this true?

5 DANIEL SPITZER: It depends on the project and the
6 developer. We don't generally ask proprietary
7 information. I can tell you that projects I've
8 worked on all have warranties and then they have
9 insurance products. So think about who's got the
10 most involved. It's the bank. And the bank is
11 going to have a warranty or an insurance product
12 in place for the entire life of a loan. Who are
13 the second people who are involved? Usually a
14 pension fund for a long-term investor. Again,
15 there's going to be an insurance product or a
16 warranty involved for the life of the project.
17 They don't produce any money if they break. Lots
18 of things break. Steel Winds Project, when that
19 was put in it was a company out of -- out of
20 Clipper, out of Iowa. It was the first American
21 wind turbines built. They literally bought
22 turbines number two through nine. If you read
23 the IPO that was put out, the first one, they

1 said that was a great learning experience because
2 all of them basically broke. The generators had
3 gears that didn't match and they all literally
4 burnt down. Then the blades, which came from
5 Brazil I think in that case, fell apart. They
6 had a really good start. So the company had A,
7 insurance on the generators and turbine. B, they
8 had insurance on the blades and they had business
9 interruption insurance to pay for the money they
10 lost. And the project was rebuilt literally.
11 Steel Winds is sort of sort of a second
12 generation of those turbines because they all got
13 rebuilt and doing fine. They are all up and
14 running and doing well.

15 MARK SWEENEY: The other thing I'll also point out is
16 that like any other significant capital project,
17 if you have a power plant that's powered by gas,
18 that's going to need maintenance and it's going
19 to need updating and need parts to be replaced.
20 Same would apply here. This will be maintained,
21 it will be improved. If a windmill is not
22 working, as Dan said, it will have to be replaced
23 or repaired. It doesn't do anybody any good to

1 leave it sitting doing nothing. And ultimately
2 if it was left sitting doing nothing there's a
3 decommissioning plan in place that the first
4 obligation is on the developer to remove them if
5 they're not being used. If they fail to do it
6 there's a bond in place to allow the town to do
7 it itself.

8 DANIEL SPITZER: Without getting too much into the
9 mechanics, if you get on the internet it can tell
10 you the actual number of parts, moving parts, in
11 a turbine is actually significantly reduced over
12 the years as technology has gotten better. A lot
13 more is done with magnets now as one of the ways
14 they've actually built up the speed of these
15 turbines. Not so much by just gear boxes, but
16 also by the way the electromagnetics work. A lot
17 of what they've done has actually reduced it. I
18 think if you look at the trends of the industry,
19 the industry, AWEA or the Energy Information
20 Administration, you will see the trend is
21 actually repairs in the industry towards the
22 newer turbines, these are obviously state of the
23 art whatever goes in, are having actually fewer

1 repairs and lasting longer in terms of the older
2 ones. If you go out to California and go out to
3 that Tehachapi and also over by I10 --

4 DAN BOYD: Palm Springs.

5 DANIEL SPITZER: -- Palm Springs, those were all put
6 in in the middle of the eighties and most of them
7 are still running. Those are literally dinosaurs
8 of the industry. These things are pretty strong.
9 They stand up pretty well and the trend is also
10 towards less and less problems and less and less
11 maintenance.

12 DAN BOYD: And just to clarify, again, we are talking
13 about Vestas turbines here. They are the world
14 leader in wind turbines. More deployed than any
15 other company. We are not talking about a start
16 up. We are talking about the one that will
17 continue to go.

18 DANIEL SPITZER: Actually, that's a good point. If
19 you want to see Vestas turbines at work, most of
20 the turbines that are in the North Sea, pretty
21 much one of the most violent bodies of water
22 there is, those offshore turbines are all built
23 by Vestas out of Denmark. If you go to

1 Copenhagen between the airport and Sweden there's
2 a channel where a lot of shipping goes through
3 and there's a whole line of Vestas turbines in
4 there. Most of the offshore ones that deal with
5 much rougher conditions. One of the reasons why
6 the onshore ones are tougher these days because
7 they've gotten better and better as they've had
8 to deal with much worse conditions of offshore.

9 JUDY PHILLIPS: Okay. So these are a hundred and
10 ninety-one feet taller than the Statue of
11 Liberty. I've learned about something called
12 accelerated depreciation which, correct me if I'm
13 wrong, which means that wind project, wind
14 turbine companies, can write off the value of
15 their equipment on their financial balance sheets
16 over five years rather than the typical
17 twenty-year lifetime of the project. Does this
18 mean that companies sell to another company and
19 -- yours is also a BOP Company, right?

20 DAN BOYD: We do do the Balance of Plant
21 construction, yes.

22 JUDY PHILLIPS: Right.

23 DAN BOYD: Just for everyone else, Balance of Plant

1 means we don't build wind turbines, but we build
2 everything else except for the wind turbines. We
3 install the wind turbines but we don't assemble
4 them. We don't manufacture them.

5 JUDY PHILLIPS: Is it common in the industry because
6 of this accelerated depreciation that wind
7 companies sell frequently over a five year
8 period --

9 DANIEL SPITZER: If you have a tax equity deal and
10 some of the deals with tax equity depends on
11 whether the company has profits or whether they
12 may have traded for cash so they don't have to
13 borrow the money. One of the tax benefits is the
14 accelerated depreciation. And yes, what they do
15 is set up what's called a corporate special
16 purpose vehicle. So it's like an entity and then
17 the company that buys the tax benefit becomes one
18 of the owners of the windmill farm. So they
19 could be any sorts of company. When wind farms
20 were first built in New York, when Dan and Mark
21 were first starting out and I was, they were all
22 put up for finance. The tax equity investor was
23 always GE Capital and then the recession hit and

1 GE Capital ran out of profits. So in a more
2 recent tax equity deal, did one in Wyoming County
3 where it was Wells Fargo's hedge fund and a union
4 bank with a hedge fund. So entities that have
5 taxable income and, therefore, need or have a
6 capacity to buy the reduction in federal taxes.
7 This is all federal taxes that we are talking
8 about. And, yes, accelerated depreciation that
9 the government makes available actually for a
10 wide range of assets. You know, most of us if
11 you have -- a good example is, do you know what
12 Section 179 is? If you're in a business and you
13 have a cell phone, you can write off your cell
14 phone the year you buy it. You don't have to
15 depreciate it. That's a Section 179 deduction up
16 to a certain dollar amount. That's another form
17 of accelerated depreciation. And, yes, that is
18 one of the tax credits the company would use or
19 would sell to a partner in their venture.

20 MARK SWEENEY: One thing I would also add is any
21 company that would buy the project at any point
22 would be subject to all of the requirements,
23 conditions and agreements that are part of the

1 permits and agreements entered into by this
2 developer. The laws of this town specifically
3 require it. If they are going to sell it out to
4 another party they have the obligation to come to
5 the town, notify them and then go from there to
6 make sure the company taking over the project can
7 maintain and adhere to all of the conditions that
8 were set forth in the agreements and the permits.

9 DAN BOYD: And we can talk about this more after if
10 you want.

11 TODD JOHNSON: Thank you. Sir?

12 DOUGLAS BUNKER: Douglas Bunker. We own a hill. Is
13 it not true that any successor company that
14 acquires this property would have the same
15 bonding requirements and same all other
16 requirements?

17 DAN BOYD: Yes, sir.

18 DOUGLAS BUNKER: And in one sense it's not
19 substantial whether or not you sell it to another
20 company or not?

21 DAN BOYD: Correct.

22 DOUGLAS BUNKER: We still have the same guarantees
23 and the town does?

1 MARK SWEENEY: Correct.

2 DOUGLAS BUNKER: One of the things I am reassured by
3 is the fact that you're using the latest
4 technology, that the density of these turbines
5 will be much smaller and that essentially no one
6 is going to be confronted with some dense array
7 of turbines staring them in the face. They are
8 all guaranteed to be far removed from a
9 residence, but in addition to that, the increased
10 capacity of the turbines and fewer number of them
11 leaves us with no concern about the aesthetics.
12 At least leaves me that way. Finally, the last
13 thing is I never baked a cake, but I'm told that
14 you can't bake a cake without breaking eggs. So
15 a little disruption with construction doesn't
16 seem to be a big factor for me.

17 TODD JOHNSON: Sir?

18 DENNIS RAK: My name is Dennis Rak, R-A-K. First of
19 all, I would like to commend everybody for coming
20 to this public hearing and expressing your
21 opinion. We learned yesterday that happened.
22 Anybody can do it. I'm glad everybody here is
23 doing that. I would like to voice my support for

1 the project. I think that all the obvious
2 benefits have been stated both financially and
3 environmental. It's hard to overlook those types
4 of things. Nobody wants to see a windmill. I
5 love windmills. I put them up at my own
6 property. I think it's great. I have a fifty
7 turbowatt turbine I power most of my business
8 with. Some people find them offensive and
9 nothing we can say today will change how someone
10 feels. From our standpoint we have to get energy
11 from somewhere. If they want to put a nuclear
12 plant there this would be a bigger group right
13 now and it probably wouldn't happen. So, you
14 know, what are alternatives? We need to take
15 advantage of our assets. We have a wind asset
16 here. It's going to bring money into the
17 community. I don't see the negative.

18 You mentioned windmills off of Denmark. I
19 had a chance to go to Denmark a number of years
20 ago on a business trip and I saw those in the
21 North Sea. They are impressive. I visited a
22 farmer in Denmark and he had multiple turbines on
23 his property and he cropped and grew grain and

1 other biomass crops in between the rows of the
2 windmills. It's a great fit in the rural
3 community to have agriculture and wind production
4 in the same place. These are the things we need
5 to do. We need to take advantage of what our
6 assets are. Again, I would just like to voice my
7 support for the project.

8 TODD JOHNSON: Thank you.

9 BILL EACKER: Bill Eacker from Dennison Road. First
10 I'm going to make a statement. I'm a commercial
11 PILOT. I fly airplanes and helicopters. There
12 are medical helicopters in this area that are VFR
13 only. What is your maximum tower height going to
14 be?

15 DAN BOYD: We are below five hundred feet.

16 BILL EACKER: But what is it going to be?

17 DAN BOYD: Four ninety-two.

18 BILL EACKER: Four ninety-two. Add a thousand to
19 that. That's about fifteen hundred feet. Every
20 air medical operation in this area relies on VFR
21 operations only. They can't fly under clouds.
22 FAA regulations in a concept of aeromedical
23 helicopters in a crash rates what they have,

1 which is very dangerous, especially doing VFR.
2 They come up with a program where you do a
3 thorough map recognizance. When you go to an
4 accident scene -- when you go to an accident
5 scene, what's the quickest way for you to get
6 there? Line of sight. Point A to B. If you
7 look at these towers in both areas and where the
8 helicopter is located, WCA Hospital, they have to
9 raise their weather minimums a thousand feet VFR.
10 That's going to slow the response times. It may
11 not even allow them to take off because the
12 clouds are too low based on these new man-made
13 obstacles. Think about that when someone is
14 laying on the side of the road. We can't go
15 because, you know what, the weather says it's not
16 good enough. You have to go by ambulance or
17 circumnavigate. Someone is going to get hurt.
18 That's all I have to say about that. I've had to
19 fly around some windmills. Not pretty.

20 Another question I have is, when the project
21 is finished how many jobs are going to be
22 required just to maintain the project? Those are
23 the real jobs you're really talking about that

1 you're going to create. The construction jobs,
2 they're going to be here and then they're going
3 to go. But when these obstacles are up, how many
4 jobs are going to be used to maintain them?
5 That's all I want to know.

6 DAN BOYD: I think I mentioned the jobs earlier.
7 It's about six to eight jobs for the wind farm.
8 I would like to stress the construction jobs
9 again. I don't think anyone minimizes those
10 jobs.

11 BILL EACKER: That's another thing. How many jobs
12 did we lose at Petri's, Rem-Tronics? And this is
13 going to create six or eight jobs.

14 TODD JOHNSON: Thank you, Bill.

15 BILL EACKER: You're welcome.

16 TODD JOHNSON: Sir?

17 ELLIOT JIMERSON: Yeah, my name is Elliot Jimerson,
18 J-I-M-E-R-S-O-N. The idea of these jobs, you
19 need to -- I'd like to look at a more broad
20 perspective. Yes, the construction jobs will be
21 for a short period of time, but the money that
22 comes into the area -- if people have more money
23 in their pockets, they're going to have more jobs

1 because if I have a lot of money I'm going to
2 hire people for jobs to do things around the
3 yard, whatever. You can't do anything if you
4 have no money in your pocket. So when it brings
5 money into the area it produces jobs in this
6 aspect. The idea that the windmills themselves
7 produce jobs for a short period of time, but the
8 money coming into the area will then create the
9 jobs. The town will be able to buy better snow
10 plows, more snow plows, more drivers because they
11 are probably operating on a very minimum amount
12 of employees right now. Because the reason why I
13 know some of this is because we weren't always
14 very wealthy. We were kind of poor. I never
15 came from no wealthy silver spoon family, that's
16 for sure. I had to work real hard. And the
17 thing is, when money does come into the area it
18 produces a lot of jobs.

19 I'm a member of the Seneca Nation. We found
20 a way to bring money into our area. We produce a
21 lot of jobs. Not the idea of just construction
22 and then the jobs aren't there, that's not
23 necessarily true. If a human being has money

1 then there's going to be people working. That's
2 all.

3 TODD JOHNSON: Thank you, sir. Who hasn't spoken
4 yet?

5 PAUL FICKELSCHERER: My name is Paul Fickelscherer,
6 F-I-C-K-E-L-S-C-H-E-R-E-R. I live on Route 39
7 where this project is proposed. There would be a
8 windmill on three sides of my property to the
9 east, south and west. I'm totally against this
10 project on many different levels. First of all,
11 I can't see where it would bring any benefit to
12 the town in lieu of taxes or these -- excuse me
13 for being nervous. But they are coming in with
14 state subsidies, federal subsidies and they are
15 not going to pay any property taxes. I don't
16 understand how they can put up millions of
17 dollars in windmills and not be assessed any tax
18 on it. These windmills, as I am told, they cost
19 a couple million dollars a piece and they produce
20 a couple million dollars of electricity a year.
21 Do you see how bad you're getting burned for the
22 money? The average savings on a tax payer in
23 this town will be maybe ten dollars. I'm willing

1 to pay an extra twenty dollars on my taxes to not
2 see these windmills brought in for the impact it
3 will have on the nature alone. Having eagle
4 nests within three thousand feet at the end of
5 this reservoir to where they are constructing,
6 it's like a half a mile from the eagle's nest.
7 That's one of our, I would say, one of the best
8 assets of this town with nature. In the area
9 they are putting it in there's bear, bobcat,
10 hawks. It's a major area for birds because of
11 the lift from the air on the lake. I watch the
12 eagles circle above my farm all the time. They
13 catch the wind come up. I can't believe an
14 Environment Impact Study wouldn't have something
15 to do to keep these windmills out of here. The
16 fact is you're saying it's going to bring all
17 this money, it's not bringing nothing. We're
18 going to save a few bucks on each person's taxes.

19 The worst thing about it is the health
20 effects. I have a paper I would like to read
21 that has to do with the health effects on this.
22 After doing some research I found an article in
23 the Hearing Health and Technology Matters called

1 Wind Turbine Noise and Human Health. It was
2 written by Jerry Punch, Ph.D. He's an
3 audiologist consultant in areas related to
4 community noise. And Richard James, INCE, BME,
5 who works at Central Michigan University
6 Department of Communication Disorders. He's an
7 acoustical consultant with over forty years of
8 experience in industrial noise measurement and
9 control. The article states that emissions of
10 infrasound, sound which is not normally heard by
11 most human listeners, and low frequency noise by
12 industrial wind turbines has an adverse health
13 effects on humans. These health effects include
14 stress, trouble sleeping, headaches, dizziness,
15 nausea and motion sickness. Wind turbine noise
16 has unique acoustic characteristics when compared
17 to other environmental noises, which include low
18 amplitude modulated and intermittent occurrences
19 of tone. To prevent adverse health effects
20 scientists have recommended that distance
21 separating turbines and residence be two and a
22 half miles or more. Multiple families have
23 abandoned their homes to escape industrial wind

1 turbine noise exposure. There's enough
2 scientific evidence to warrant setting turbines
3 at this distance to avoid some harmful effects
4 which can occur in a substantial percentage of
5 population. It is unacceptable to consider
6 people living near wind turbines as collateral
7 damage. There's been plenty of people reporting
8 sickness, headaches and just other adverse health
9 effects from these windmills that are going right
10 now in the Wyoming County ones and these are the
11 same products. I can't understand how the
12 regulations -- these people can come in and say
13 we are going to raise it another eighty feet --
14 you know, seventy, eighty feet and by the way,
15 we're going to double the turbine size. The
16 effects from that infrasound off of these
17 turbines being twice the size is going to be
18 twice the impact. You say, oh, we double the
19 size of the turbines, you're going to be
20 living -- we are going to be living under an
21 electric field created by these. It's an
22 industrial -- I want to say it's a power project
23 over three hundred feet over our head we are

1 going to be living under. You can pick up the
2 electric magnetic radiation. They pick up on
3 radar. You can see it. If you watch the six
4 o'clock news and Don Paul will say this, over
5 here that's just the wind turbines, the electric
6 coming off them. It's not something make
7 believe. People come down with migraines and all
8 other kinds of things. I don't understand how
9 this can even -- why they think this was a good
10 idea. Maybe if they look so nice in the water,
11 put them out over Lake Erie. I don't care. We
12 should be protecting our bald eagles, the nest
13 there. The windmills won't kill them, but they
14 will abandon that area there. You won't see
15 that. Would you like to address anything I've
16 said?

17 DAN BOYD: If that's okay?

18 TODD JOHNSON: Go ahead, Dan.

19 DAN BOYD: I think every one of those points are
20 absolutely addressed in the studies by experts in
21 all the fields. The wildlife studies have been
22 going on prior to 2008, including many bald eagle
23 and raptor surveys. The nest is about a mile

1 from the closest turbine? I'm not an expert in
2 that. We can get you more information and walk
3 through the studies.

4 PAUL FICKELSCHERER: Not with me, other people.

5 DAN BOYD: We are engaged with the DEC as well as the
6 U.S. Fish and Wildlife on these issues. We are
7 currently having great conversations. They see
8 this as a mitigation to other potential things
9 that would impact wildlife and birds and eagles
10 and raptors much more adversely.

11 Along with infrasound, it is also studied.
12 The study that you cited as well as another NASA
13 study that's been cited before, talks about
14 infrasound in commercial and industrial
15 applications. It talks about a specific decimal
16 level at which infrasound at a certain
17 frequency -- and I'm not going to say the exact
18 numbers because I'll get them wrong -- but they
19 are in the studies in the Environment Impact
20 Statement. But this project and the wind
21 turbines and wind turbines used on this project
22 are well below ten decimals below the lowest
23 level at which any adverse effects would be seen

1 from infrasound. So it has been studied. Even
2 to the report that's cited there on the NASA
3 report that's been cited in other ones, it's
4 below those levels. So we need to make sure when
5 we are looking at data and information and
6 reports, that we look at the whole thing and
7 don't just take the pieces we want to see. On
8 top of that, the last part about the EMF or
9 electrical radiation, that is not a fact. These
10 do not emit electricity into the air and things.
11 If you do see that on the radar, that's the radar
12 picking up the wind turbine blades that go
13 around. Radar senses particles, things in the
14 air. Physical actual things.

15 PAUL FICKELSCHERER: It picks up the
16 electromagnetic --

17 DAN BOYD: It gets rain, it gets clouds because
18 that's a physical thing there, water droplets.
19 Wind turbine comes around and it sees that. So I
20 want to make sure we are looking at the full --

21 COLIN ERDLE: Taxes in the beginning, where you guys
22 aren't assessed for taxes like all the other
23 property owners?

1 DAN BOYD: So taxes, we are paying a tax that we do
2 negotiate. We negotiate with the town, we
3 negotiate with the county to pay the tax just
4 like any business, any commercial entity that
5 comes into a new area. It's the way it works so
6 that you can make a project happen that might not
7 happen otherwise.

8 MARK SWEENEY: We were discussing earlier the
9 eighty-six thousand annually that will be paid to
10 the town, that's in the form of what they call a
11 payment in lieu of taxes, a PILOT payment, which
12 is that payment to reflect the monies coming in.
13 It goes to all the taxing jurisdictions, the
14 school districts, the town and county and it's
15 split up according to that agreement. In
16 addition, there's also a host community fee
17 that's paid to the town on top of that PILOT
18 payment. And that's not shared with anyone,
19 that's direct to the town.

20 COLIN ERDLE: Does that come from federal grants or
21 state grants?

22 MARK SWEENEY: No, it's from the company. They can't
23 get any of those. Those are called tax

1 incentives and credits. The only way they get
2 those tax credits is if the turbine is turning
3 and creating revenue. So then that offsets the
4 tax that would be created from that revenue.
5 It's not actual money handed to them to build a
6 project.

7 TODD JOHNSON: Mr. Rodney?

8 JOSEPH RODNEY: Really quick. Just one thing about
9 construction. Every day I go through a gauntlet
10 to bring money back to your county. I work in
11 Niagara Falls, Batavia, you name it. I bring
12 money back here to spend it. Hopefully I can get
13 to work on these windmills if they do happen.
14 That's the nature of construction. There's a lot
15 of us around here every day as construction
16 workers that bring money back here.

17 TODD JOHNSON: Paul Duck?

18 PAUL DUCK: My last question is, when this project is
19 complete, do you have a buyer in place for the
20 power that's produced?

21 DAN BOYD: So we do not have a buyer at this point.
22 We are still a little ways from doing that.
23 Obviously we're still permitting at this point.

1 We are in a number of different conversations
2 with potential buyers.

3 TODD JOHNSON: Mr. Golumbeski?

4 GREG GOLUMBESKI: I have a property on 39 next to
5 Paul. I've done the same thing as most of you, a
6 lot of studying, a lot of background on the
7 internet, talking to people. Granted, okay, it's
8 not going to bring a lot of jobs in. The people
9 that have the wind turbine or have a substation
10 or whatever power line going through, whoever is
11 subsidizing in this room, it's a natural habit
12 that if you make more money, you spend more
13 money. So if I make more money every year I'm
14 going to spend more money. They are going to pay
15 more taxes on these so people will benefit.
16 Maybe the Town of Villenova will get a new
17 ambulance. Maybe you will get radar so you can
18 fly over the turbine or something that works for
19 you. Granted, it's probably really expensive,
20 but over a long-term period I guess we all signed
21 on for or are trying to sign on for. You know,
22 over the long-term it's going to make a
23 difference. Any little bit helps. Every single

1 one of us and even everybody who lives in the
2 counties of Villenova and Hanover it's a proven
3 fact; the more people make, the more they spend.
4 That's all I have to say. Thank you.

5 TODD JOHNSON: Thank you. Sir?

6 ALLEN GAGE: My name is Allen Gage and we have a
7 family farm up on 39. I want to start by saying
8 that's a very nice picture you have there. I am
9 valedictorian of my class and went on to further
10 educate myself for environmental science at
11 college and all their research behind everything
12 is spot on. They've done study after study and
13 there's literally nothing I can personally see
14 wrong with the project. They are doing a
15 phenomenal job. For people worried about
16 aesthetics, I'm just looking around here, I feel
17 like I'm going to be looking at these things
18 longer than most of these people, no offense.

19 I think they are wonderful to look at. We
20 have a family up in Pike and Bliss, New York.
21 Nothing bad to say about it. They say hunting is
22 better overall, there's more deer. So there's
23 really nothing I can say wrong about them. They

1 did a study with birds where they took a flock of
2 pigeons and they let them loose a little distance
3 away from the blades and instead of flying into
4 the blades and getting sliced, they flew around
5 the blades. That shows you they are not just
6 going to die. Like the bald eagle, they know
7 their surroundings. They're not just going to
8 go. They lived there for so long, they're not
9 just going to fly away. I can't say anything bad
10 about these things. It wouldn't make sense for
11 you guys to vote no on them. It would help the
12 economy in this area so much. That's about it.

13 TODD JOHNSON: Thank you young man. Anyone else
14 wishing to be heard this evening?

15 JIM BOCK: Jim Bock, Hanover Road. B-O-C-K, like the
16 beer. Does the Hanover section hinge on
17 Villanova getting theirs passed?

18 DAN BOYD: We see it as one project. It would be --
19 they both work with each other.

20 JIM BOCK: And even if Hanover did not want theirs,
21 would that still allow the transmission lines to
22 go through because that would be a lot lower.
23 You wouldn't have to change the height.

1 DANIEL SPITZER: You know, transmission lines by
2 themselves when the project in another town
3 generally get regulated by the public service
4 commission rather than by the town. Like when
5 National Grid is putting in new transmission
6 lines. So if you have a project in the other
7 town like we are dealing with in the Cassadaga
8 one, Stockton is getting the switch yard, so
9 they're not really involved in the project. So
10 it's a different set. If it's truly transmission
11 as opposed to distribution lines, as I
12 understand -- I'm only really an expert on the
13 part I wrote -- it would not be considered a wind
14 facility. And so generally it would be
15 considered what's called an essential public
16 service. And generally, put it this way, it's
17 very tough to say no to essential public service.

18 JIM BOCK: Eminent domain?

19 DANIEL SPITZER: No, eminent domain, that is totally
20 different. Eminent domain is when someone takes
21 your property. That's if they don't have a
22 right-of-way. The town has nothing to do with
23 that.

1 JIM BOCK: They have to have right-of-way for the
2 transmission?

3 DANIEL SPITZER: Right, but assuming they had the
4 transmission lines whether the project was in
5 Hanover or Villenova, assuming they had the
6 right-of-way, your question you asked was who
7 gets to approve it. What I'm saying is
8 transmission lines, if this products not in town,
9 generally the public service commission --

10 JIM BOCK: Well, I'm for it is what I'm saying. The
11 transmission lines would still be able to go
12 through even if Hanover did not approve, correct?

13 DANIEL SPITZER: That's correct, sir, but what I
14 emphasize too from what Dan said from day one
15 when I was retained by the two towns, this has
16 always been viewed as a joint project. The two
17 towns have been working together now for ten
18 years.

19 JIM BOCK: Because the majority is actually in
20 Villenova of the windmills.

21 DANIEL SPITZER: Yes, sir.

22 JIM BOCK: Would it be viable without Hanover?

23 DANIEL SPITZER: No, sir. It's not -- well, when I

1 look at a project on behalf of the community,
2 it's not my job to look at whether it's
3 financially viable. It's my job to assist the
4 town and evaluate the impact and assure the town
5 is protected to the maximum extent. So I don't
6 look at things like whether or not something is
7 viable because -- you know, if you came to town
8 to say I want to open up a business to compete
9 with McDonalds, the town board doesn't have the
10 right to say we think you're nuts and, therefore,
11 we are saying no. You have a right to conduct a
12 business. What the town board does do is it
13 passes zoning and other laws to protect the
14 community and to regulate what happens within the
15 community and that's what I assist with.

16 TODD JOHNSON: Thank you, Dan. Yes, ma'am?

17 CHRIS SOMMER: Yes, my name is Chris Sommer,
18 S-O-M-M-E-R. I'm up on Route 39. Is any of
19 these here going up on Route 39, the windmills?
20 I thought that's what I heard.

21 DAN BOYD: All south of 39 but some relatively close
22 to it. If you want to come up you can look
23 close.

1 DANIEL SPITZER: After the meeting, Mr. Supervisor,
2 if anyone wants to come up and show Tegan and Dan
3 where your property is they will be able to show
4 you where the windmills are and all those things
5 to your specific property. You're kind of a
6 distance away so don't hesitate to ask
7 afterwards, here's where I live. As Mark
8 mentioned earlier, it's a very expansive public
9 notice provision.

10 CHRIS SOMMER: Because I'm with that gentleman there.
11 I'm against them. Look at Bethlehem Steel Plant.
12 At the time it brought in a lot of jobs. Those
13 people are very sick now. We don't know what
14 these are going to cause years down the road. It
15 won't be in my lifetime but it will be in my
16 children's lifetime. The more of these that go
17 up, the more dangerous they are to the public. I
18 mean, if Villenova needs the money, then great.
19 Locate them in Villenova. But I just -- and I
20 don't appreciate having to look at them. I don't
21 think they are pretty.

22 DANIEL SPITZER: Ma'am, may I ask you a question?

23 CHRIS SOMMER: Sure.

1 DANIEL SPITZER: What did you mean by the people are
2 sick in Lackawanna?

3 CHRIS SOMMER: No, I'm saying from the steel plant.
4 When the steel plant was going everybody thought
5 it was great jobs and everything. People were
6 making a living. That's terrific, but now that's
7 all over with there's many sick people.

8 DANIEL SPITZER: I understand. I appreciate you
9 explaining that. Thank you.

10 TODD JOHNSON: Thank you. Anyone else wishing to be
11 heard? Yes?

12 EILEEN BATON: Eileen Baton, B-A-T-O-N. I live on
13 Dennison. When is the public comment period
14 going to be closed?

15 TODD JOHNSON: When everybody is wishing to have been
16 heard.

17 EILEEN BATON: It's not like thirty days because they
18 are obviously going to do a final EIS?

19 TODD JOHNSON: Yes.

20 EILEEN BATON: When is the last day before the final
21 EIS?

22 TODD JOHNSON: At this point we have to close our
23 public hearing, then there would have to be a

1 point where we have to approve certain things
2 that are happening this evening based upon the
3 public hearing, based upon public comments,
4 either yes or no, with any action being taken on
5 anything in relevance to the Ball Hill Wind
6 Project. At that point that probably would not
7 even be as early as our next regular board
8 meeting on November 14th. That's the purpose of
9 having a public hearing, to listen to the pros
10 and cons, to review, research, go back to all the
11 people involved to get the answers.

12 COLIN ERDLE: Colin Erdle. Will you be releasing the
13 data on when the public hearing is going to end?

14 TODD JOHNSON: Absolutely. The public hearing ends
15 tonight, okay. It's a matter of when the action
16 is taken upon the three proposals that are
17 brought forward to us tonight for the public
18 hearing; which is the minute application for the
19 Ball Hill Wind Project, it is also for proposed
20 local law to increase the height from four
21 hundred twenty feet to four hundred and
22 ninety-five feet and it's also for the proposed
23 local law to create a wind overlay zoning

1 district for this project. So, I mean, there's
2 several things that have to be looked at. With
3 the public hearing tonight is to get public
4 comments based upon questions that need to be
5 entered by all of the residence here tonight. At
6 that point we do our research back with the
7 companies and then we also make a time frame
8 where we are going to make a determination on how
9 we are going to approve any or all three of those
10 proposals. At that point that will be publicly
11 notified within our local newspaper, which is The
12 Observer, and also announced at a town board
13 meeting for action that would be taken in the
14 future.

15 EILEEN BATON: Another question. For the wind
16 overlay district, does that mean you can build a
17 windmill anywhere in that district?

18 DANIEL SPITZER: Mr. Supervisor, with your
19 permission?

20 TODD JOHNSON: Yes, Dan.

21 DANIEL SPITZER: Part of the application is a special
22 use permit which would list the permits of the
23 terms all out. So if you create a district that

1 just means you get past the first layer of
2 approval. Then you have to have a permit with
3 the specific turbine. If the board were to
4 approve the special use permit, it would list the
5 location of the turbine and what turbines were
6 approved. So no turbine that's not in the
7 proposal -- in other words, no turbine that
8 hasn't been studied would be allowed in this
9 process.

10 TODD JOHNSON: And that would be a separate article
11 within the town also. Ms. Sommer?

12 CHRIS SOMMER: So there won't be a vote where people
13 can vote yes or no and a majority?

14 TODD JOHNSON: There's five people that vote and
15 you're looking at them right now.

16 CHRIS SOMMER: So what we think isn't going to
17 matter?

18 TODD JOHNSON: No, what you think does matter.
19 That's how we base our decision.

20 EILEEN BATON: But not everybody --

21 TODD JOHNSON: That would be correct. There are four
22 deciding votes up here with myself being the tie
23 breaking vote. We also all get e-mails and phone

1 calls from people in the community giving us
2 their opinion as well that we weigh in on. Yes
3 ma'am?

4 MARIANNE STAWITZKY: Marianne Stawitzky,
5 S-T-A-W-I-T-Z-K-Y, Allegany Road, South Dayton
6 actually. Will we be allowed to send letters to
7 you? I'm not good at speaking but I would like
8 my opinion to be heard. Can we address a letter
9 to you?

10 TODD JOHNSON: Absolutely.

11 MARIANNE STAWITZKY: Is there a time limit on this?

12 TODD JOHNSON: No, whenever you want to. We already
13 received over five hundred letters so far from
14 residence of both Villenova and the Town of
15 Hanover for and against this.

16 MARIANNE STAWITZKY: Well, I'm very much against it
17 at this point. And where do I address them to?

18 TODD JOHNSON: Right where you came tonight; 68
19 Hanover Street, Silver Creek, New York.

20 MARIANNE STAWITZKY: Anybody in particular?

21 TODD JOHNSON: Town supervisor or town counsel.

22 MARIANNE STAWITZKY: Can it be e-mailed?

23 TODD JOHNSON: You can do that too. Hanboard at

1 Roadrunner dot com.

2 MARIANNE STAWITZKY: Okay. Thank you.

3 TODD JOHNSON: You're welcome. Anyone else? Okay.

4 With everybody wishing to have been heard and
5 have been heard, at this time the purpose of the
6 public hearing was for the Ball Hill Wind Energy
7 Project on the amended application for a special
8 use permit. Also the hearing is for proposal of
9 the law to increase height restrictions for wind
10 energy conversion system from four hundred and
11 twenty feet to four hundred and ninety feet. And
12 also the public hearing is proposed local law to
13 create a wind overlay zoning district in
14 accordance with Article 16 of the town zoning law
15 entitled Wind Energy Conversion System. At this
16 time I need a motion to declare the public
17 hearing closed.

18 JANINE SALZMAN: We are still doing all three in the
19 same public hearing as advertised in the paper.

20 TODD JOHNSON: That is correct. At this point all
21 three items on the agenda for the public hearing
22 is for one public hearing, which has been posted
23 and published by our town clerk and that is also

1 on review at 68 Hanover Street, Silver Creek, New
2 York.

3 TODD JOHNSON: Request a motion to declare the public
4 hearing closed.

5 JANINE SALZMAN: When we're all done. We have two
6 more to go.

7 TODD JOHNSON: Okay.

8 JANINE SALZMAN: The second public hearing will be on
9 the maximum height change from four hundred
10 twenty feet to four hundred ninety-five.

11 TODD JOHNSON: Okay. So the second public hearing
12 for the evening will be for the proposed local
13 law to increase the height restrictions for the
14 Wind Energy Conversion Systems from four hundred
15 twenty feet to four hundred ninety-five feet.
16 It's the local law to amend Section 1508E3 in the
17 zoning law in the Town of Hanover to increase the
18 maximum height of any Wind Energy Conversion
19 System, WECS, commonly known as a wind turbine or
20 windmill. Be it enacted by the town board of the
21 Town of Hanover as follows; section one, Section
22 1508E3, the zoning law in the Town of Hanover
23 reads, the maximum total height preventing WECS

1 shall be four hundred and ninety-five feet. The
2 third public hearing is to amend local law of the
3 zoning map of the Town of Hanover to create a
4 wind overlay zone district be it enacted by the
5 town board in the Town of Hanover as follows;
6 section one, the official map of the Town of
7 Hanover is amended to add a wind overlay zone
8 district as shown on the attached map. That
9 would be all three, correct?

10 JANINE SALZMAN: Correct. Thank you, sir.

11 BERNARD FELDMANN: At this time, Mr. Supervisor, with
12 everyone wishing to be heard, I'll make that
13 motion to close the public hearing.

14 LOUIS PELLETTER: I second the motion.

15 TODD JOHNSON: At this motion we have a motion by Mr.
16 Feldmann, seconded by Mr. Pelletter. All those
17 in favor? Opposed? At this time the public
18 hearing is now closed.

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STATE OF NEW YORK)

SS:

COUNTY OF ERIE)

I, Lindsey L. Elliott, a Notary Public in and for the State of New York, County of Erie, DO HEREBY CERTIFY that the proceedings in the above matter were taken down by me in a verbatim manner by means of Machine Shorthand, on November 9, 2016. That the transcript was then reduced into writing under my direction.

I further CERTIFY that the above-described transcript constitutes a true and accurate and complete transcript of the testimony.

LINDSEY L. ELLIOTT,
Notary Public.