

ALLEGANY COUNTY INDUSTRIAL DEVELOPMENT AGENCY

ALLE-CATT WIND ENERGY, LLC – TOWN OF RUSHFORD - PUBLIC HEARING

**Rushford Fire Hall
9811 Upper Street, Rushford, NY
December 30, 2019 – 10:00 AM**

PUBLIC HEARING MINUTES

Attending: Craig Clark, IDA Executive Director
Cathleen Whitfield, IDA CFO
Pam Common, Secretary to Director of Planning
Cynthia Austin McCullough, Estate of Wesley Austin
Roy Harvey, Cable Access TV-Chautauqua
Karen Harvey, Cable Access TV-Chautauqua
Sharon Brewer, Landowner
James Kotgl, Landowner
Bill Dibble, County Legislator
Tom Heim, Brookside Road
Dan Myers, Freedom, NY
Pam Letchiner, 8921 Upper Street, Rushford, NY
Jim Rievel, Wyoming County IDA
Charles Bliss, Rushford Board
Dennis Bliss, Rushford Board
Ken McElheny, Rushford Board
Ginger Schroder, Cattaraugus County Legislator
Joe Donnelly, County Road 49
Jeff Tutuska, 11700 Crowell Rd, Centerville
Danette Dexter, REDO, Rushford Resident
Muriel Kummer, Rushford Resident
Curt Crandall, Belfast, Allegany County Legislative Chairman
Stephanie Milks, Freedom
David T. Pullen, Rushford Town Attorney
Evan Tucker, Rushford Resident
Marty Sabato, Rushford
David Sabato, Rushford
John Cady, Rushford
Yvonne Wehust, Rushford
William Wehust, Rushford
Ed & Laurie Russet, Rushford Lake

The Public Hearing was opened at 10:02 a.m.

Live streaming of this meeting can be seen on UTube at Chautauqua Updates.

Executive Director Clark introduced himself as Executive Director of ACIDA and thanked everyone for attending. He then gave an overview of the project.

The public hearing is not for Project Review but is for public comments of a possible Allegany County IDA financial assistance agreement of a wind energy generating project. Alle-Catt Wind Energy LLC, a State of Delaware limited liability company has the acquisition of an interest in multiple parcels of land in the Towns of Centerville and Rushford, Allegany County, New York for various parcels of land scattered amongst approximately 15,000 leased acres located in the northwestern corner of Rushford and throughout the Town of Centerville, Allegany County, New York.

The project consists of the construction of various improvements to be located on the Land, including, but not limited to, the following: approximately forty-nine (49) wind turbine generators (approximately 13 of such generators to be located in the Town of Rushford and approximately 36 generators to be located in the Town of Centerville), for a total of 143.6 MW.

The Project is a \$187.6 million project in Allegany County with a proposed 118 construction jobs and 4 to 5 operational jobs with an anticipated start in later 2020 and 18 month anticipated length of construction. The ACIDA is proposing an incentive package for the project of approximately \$1.35 million in sales tax exemptions for construction materials. Alle-Catt Wind Energy is proposing to pay approximately \$17.45 million in a PILOT Agreement over the proposed 20 years of the PILOT. This breakdown by county, town and school district is based on the taxing authority share and number of wind turbines in the taxing authority area.

Executive Director Clark noted the Public Hearing is not for Project Review but for the proposed ACIDA financial assistance incentive agreement. He then opened the meeting for public comment and noted that we request that all participants announce their name and address, before they comment, for the record and note that individuals be limited to 2 minutes of comments.

PUBLIC COMMENTS:

- Cynthia Austin McCullough, representing the family farm on Brookside Road that the family has owned since 1917 with 3 taxable parcels. My first comment is that for the date of 12/30/2019 that nothing would assure low participation more than a meeting held between Christmas and New Year's. I think that the only notice that was brought to my attention was in the Wellsville paper and I object highly to something of such importance being hidden in the back publication of a little small town paper and not even in the Olean Times Herald. As for the Allegany County IDA the participation in the Rushford town board meetings was not very vocal or present. I could be mistaken; I have been attending since June when the hearing was solved in Arcade. I'm also interested in the notice in the paper now says there are 13 turbines in Rushford and last time I attended a meeting it was 9-11. I don't know how every time something is published it sneaks in with something extra. In the publication the acquisition of multiple parcels of land and construction of mills with 3 MWE each and you're asking for exemption for certain sales and use taxes and I'd like to know when does my family on Brookside Road get a break on taxes? If we're subjected to turbines behind us, to the side of us, in front of us and to the total destruction of our relationships with family that have been helpful and vital to each other on Brookside Road. I know you guys think that's not a big deal, but to me that's a huge deal. The agency has not made a determination. Your statement says, pursuant to Article 8 environmental conservation law, the SEQR act and the environmental impact of the project. What about the health issues? Specifically, what about resale? What about guarantee of value to our family property? We will experience loss of enjoyment quiet world visual from infrasound, flicker, bird habitat loss, potential for recreational use gone, and access to property by roads commandeered by construction? We were here first, the agency should guarantee at the minimum, no loss of value and that our health won't be affected. Thank you.

- Ed and Laurie Russet, Area K on Rushford Lake, commented he agrees with the first speaker. 90% of the people aren't here to voice their opinions, only 5% here. Laurie interjected stating, what Ed is saying is the date and time of the meeting with the lack of getting the word out there. We are lake residents but have another home. Everyone that lives on the lake is either away in the winter or on vacation and they have opinions and have real substantial investments on the lake. And, from what I know, I'm in the travel business and travel the world constantly, and from what I know from areas that have the turbines values do go down and you should have a guaranteed value in there. With regards to spending money, by the county, for these things, I also agree that it's a shame that I, let me back up, I did not think commercial business was allowed in this district and believe that Invenenergy is a corporate commercial business and why they are getting a break at everyone else's expense is pretty sad.
- Female guest questioned the meeting time and being held at 10 a.m. on a Monday during Christmas break. Accused the ACIDA of avoiding people, not being ethical with no transparency for homeowners.
- Muriel Kummer commented she is a snowbird and the next meeting will be in February or March. How many snowbirds will be back by February or March and half of the people around the lake who are permanent residents are down in Florida and I happen to be here to catch this meeting by chance, because my husband saw it on Facebook, that this meeting is totally bogus, absolutely ridiculous. What you're doing to this town is awful. End of story.
- Annette Dexter – A Rushford full-time resident. I live here, work here and bring my family here from the city to have fun. I purchased my home from the federal government and have to pay real estate taxes and transfer taxes. The federal government charges me taxes and this company is getting tax breaks from Governor Cuomo and getting so much more than they are letting on and I think this is ridiculous. The PILOT is ridiculous because at 10 windmills they were going to give Rushford \$30,000; that's \$3,000 per windmill and that's a little bit more than what my home is worth on the tax role so you're telling me that a 600' windmill is only worth about \$50,000? No. No payment in lieu of taxes. They need to pay their fair share of taxes like us residents, like us hard working folks do. They referred to us as "country bumpkins" at a previous meeting 18 months ago. We all are educated, very smart and know why we live and visit here and why we have property here. Where people like them might come down from the city to visit or they might winter somewhere else. We love Rushford, we don't love windmills. They're ugly, they're terrible and they're being sly and sly does not work. Sly is what our former board was here in Rushford and that's why most of them are gone. We don't need this. We don't want it. Please have them move it somewhere else like a brownstone field, a waste of land, not beautiful land where eagles are soaring. That was not here two years ago when I bought my house. Now, there are eagles here.
- John Cady – I live here year-round on the lake and been in the area since 1969. I agree with the people talking of transparency and lack of it. Holding the meeting during the day is absolutely ridiculous. Also to post it in the paper that is not our town paper or I don't know if it's Centerville's either and I know you are holding a meeting there this afternoon. Our paper is Cuba. You put it in Wellsville and how many people get Wellsville? Zero. If you want transparency you should hold the meeting on a weekday or weekend in the summer when the lake people are here that live here. I live here full-time. There's no transparency to this at all, it's like you are hiding it in a corner. It's telling me that something doesn't smell right.

- Joe Donnelly – I own a house right on Rushford Lake on 49. I found out about this meeting on Facebook. I pay \$10,000 a year for taxes. What kind of break are we getting on taxes? Are you guys getting a break on your taxes? We don't live in the country so we probably won't see the windmills, they won't be on our property but even (room responded, oh you'll see them). Okay, but if it's going to cut my taxes 50% that's not bad. (Townsperson...Where did you get that figure?) I don't know the figure, I'm just saying...(townsperson interjected they are not benefitting from any power) Okay, then if that's the case, I agree with you, but if there is going to be some type of benefit that will save us 50% or 25% or 30%. (Interjected by guest saying to ask the town board about that and it's up to the host community agreement. You may get a break on your town tax but not the county, state or school. Town tax is your smallest tax and that's the only break you may see.) There were multiple voices bantering back and forth regarding property taxes. Craig Clark asked, with all the interruptions, for people to identify themselves so we have a better record of who's speaking.
- Charles Bliss, Rushford Town Board, commented that he did not "roll his eyes" at a town meeting as accused. He reported the host community agreement is not \$30,000 for the project. It's \$30,000 per windmill with annually \$5,580 per megawatt for approximately \$300,000 per year would be about 50% going to the general fund for the Town of Rushford but your taxes would go down. There is catching up to do with the General Fund. The County tax will go down too from their benefit of the PILOT. As far as the PILOT agreement goes the IDA is involved to incite business to come here. Last I checked the money Invenergy is paying is actually more at the present time than we would get in property taxes if the windmills were directly assessed. But the IDA's are set up because the state is such a highly taxed state that the IDA's have to do something to incite business to come here. The statements about property taxes not going down are false. They are paying about what they would be paying but they are getting a break on sales tax which they make up for in the PILOT Agreement. I have been very involved in a lot of these projects and know people in other towns. One gentleman from another town stated he is 1600 feet away from a windmill and his property value has gone up. He's actually been offered more money because the property taxes have gone down. It's cheaper to live there. He asked at a campsite where there are windmills if anyone had complained or membership gone down and they said, "no." The last thing I want to address is to the IDA Board stating, "Allegany County is in tough position. We are losing Dresser Rand and probably Preheater too. K-mart is gone. He was on a project in the city of Corning trying to restore their downtown. The head of agency said we are in competition with the Mart Brothers...Walmart and K-Mart. Well, we don't have a Walmart or K-Mart, so our costs go up, which makes taxes go up. We're not going to have a Walmart or large manufacturing facility so we have to look at what's available out there to bring additional income to the town and everyone will benefit in the Town of Rushford.
- Tom Heim – I own a campground on Brookside Road. Me and my wife bought it seven years ago and have spent seven years building it up. We have people who have been there for two generation and will be within 1200 feet of a tower. Now, I'm not calling someone and saying someone said, but I've got people saying if the tower comes in, I'm leaving. Now, what's that going to do to my property?
- Stephanie Milks, President of Freedom United and also an active advocate for the residents of all five host towns of the Alle Catt project. The first comment I would like to make is let's look at the math. There's approximately 35 people here right now and in the 2010 census for Centerville and Rushford, that's 1,974 people and we have 35 here and there's 49,000 roughly from the Town of Allegheny. This is inexcusable. This is a poor timing. This is absolutely non-transparent. You need to reschedule when more people can come here. I'm only here because my husband happened to take time off, in between

the holidays he's home with our young boys. People are at home with their children right now, they are hosting family from out of town or they are out of town themselves. I would also like to address Charles Bliss's comments about the money and also a lot of people want to know about what kind of tax break they are going to get. So, if there is \$5,800 per megawatt, if they are going to use a 3mw turbine, it's hard to say at this point, and there is roughly 13 so that brings it approximately \$226,000 per year to the Town of Rushford. Is anyone here aware of what the overall town tax levy in the Town of Rushford is and does that cover it? I highly doubt it. Freedom's is \$508,000 per year of our tax levy. Also, if you are looking for an estimate of what you are going to save a year in taxes; in Freedom, for a house that is assessed at \$100,000; and many of you in our area are assessed at much less than that, you are looking at a savings of about \$400 per year in town taxes. I will use Pioneer because they also like to claim all the savings in the school taxes. We have a \$57 million budget in Pioneer and Invenergy is giving roughly \$268,000 to the school. That is less than .05%. Don't spend that half a penny too fast. I know Franklinville is looking at, I believe, \$61,000 to their school. How many millions of dollars in their tax budget are they getting? And as the saying goes, there are two sides to every coin. There's only going to be about 65 lease holders in the entire Allegany County for the Alle-Catt Project area verses, again, the 1,974 of us. We are looking at over 1,900 of your Centerville and Rushford residents that are not going to get a direct benefit from this at all. On one side of the coin, Allegany County might get a small portion of between 11 and 13 full-time equivalent jobs and a small portion of employment of local construction for about 9 months. I just heard you say 18 months, but I did see a calendar in Exhibit 27 of Invenergy's own application, and I also didn't bring it for you. (Craig Clark said he does have a copy of it). There is a table of estimated construction workforce by month and quarter. That 44 jobs they are talking about only lands in July and August. Otherwise, you're looking at 130 jobs in April and 115 jobs in November and December, so on and so forth. Let's look at the facts here. Let's look at everything across the board. It's easy to say you have 400 jobs in construction, but let's look at the real story here. Another one of the adverse impacts that I would like to highlight is the shadow flicker expected to be for approximately 1,363 receptors within the Alle-Catt project. I did pull several receptors just for Centerville and Rushford so you can look at the impacts these residents are going to get, and this is just a very small sampling of what there actually is. You've got non-participating residents getting over 80 hours of flicker in a year on their properties. They're looking at durations of roughly 241 days per year that this could happen. I understand that it's only when it's sunny mornings and sunny evenings, but they are also looking at up to an hour and 16 minutes of flicker per day on their properties. We've got another one. There's a participant, I don't know if participants are even aware of what kind of flicker they are going to get but there is one in Centerville that's going to get over 89 hours on their property for over 2 hours per day when it's sunny, whether morning or evening. I don't think these people are even aware and then there's one in Rushford who will be getting over 3 hours of flicker per day. Is that worth your \$400 tax break? Or a \$200 tax break of you've only got a \$50,000 assessment on your property? And, then I'm also going to provide to you this flicker testimony I submitted to the DPS. It is all derived directly from Invenergy's shadow flicker study. It's all accurate. I have provided their numbers here and I do ask that you take a look at that. Who's going to be buying these properties? Who's going to be developing these properties? What is the long-term tax base you are looking at if no one is willing to come out and build or develop their property? So, there are two sides to every coin. (*Craig Clark asked if that was the same thing she sent him this morning*), Yes.

- Charles Bliss - There is another point that I forgot to make, and this is regarding transparency. The IDA said they emailed our Town Supervisor on December 13th about this meeting. As a town board-member I had the same problem as you; I'm not really happy that I had to find out about this on Facebook. I'm glad I did or I wouldn't have known. The issue I've had all year long is trying to get information from our Town Supervisor.

- Annette Dexter – Charlie, are you not a member of the firehall? (*Charlie responded, yes.*) And, they would have had to approach firehall members to rent this (*Charlie interjected “no, that’s not true”*). They don’t approach anybody from the firehall to schedule this room? *Charlie responded, “yes, one person, the Secretary and that’s it. If you came and said, ‘I want to have the hall on Monday, Sunday or Saturday,’ she writes it down in the book, the hours.* And, you guys have no knowledge of what your firehall is being used for? *Charlie, “no, not generally.”* Ummmm, I mean, you have a two-way avenue. I mean you’ve been very active in this firehall for, I believe, over 50 years and yeah, Peter does fall a lot on his face, and I am friends with Peter, I will admit that, but the fire department knew, someone knew that this meeting was going to happen. *Charlie responded, “one person knew.”* And the meeting was published in a newspaper 20 miles south of this project and that’s where people are mad.
- Charles Bliss – Every government agency has to pick an official newspaper. For Allegany County, the only paper other than the Cuba Patriot is the Wellsville Daily Reporter. We pick the Cuba Patriot because it’s closest to the town.
- Annette Dexter – It’ looks like to your constituents, and I’m not saying this is anyone’s fault, or the IDA’s fault, because they are here to try and get our opinion as people, but when you pick a newspaper to publish and you pick it 20 miles south of the southern border of a huge project that a lot of people are very much against, it looks fishy, very fishy. Because as someone else stated, Cuba could have published it and Alle-Catt, their project headquarters in Arcade, they could have put it in the Arcade paper as well, where a lot of residents of Centerville would have seen it. And, I’m not poking fun at anyone, but that seems very underhanded. It just seems very underhanded, and if Peter did get an email on the 13th, and he failed to inform the board, even the new incoming members, that’s on him and he needs to be talked to by you guys and say, “hey, I’m a little upset about this because I got my butt chewed by my constituents that voted me in.”
- Charles Bliss – We are having a meeting this afternoon and I am trying to do things next year that will give us more exposure. Rushford’s Facebook page is controlled by Peter. We can’t post stuff.
- Annette Dexter – Most of us are here because of Facebook and most of us are here because of this young lady, because she posted it out and I resent it out. I know you can’t control what the IDA does but the IDA doesn’t want to know about Rushford politics. They want to know about our opinion of this project.
- Craig Clark – I do think after going through a couple other solar projects recently, it’s very apparent that we need to start posting on a Facebook page. I know, it’s not required but I think we are going to do that. (*Dexter – “if only to protect yourself”*) We ended up getting a lot of people at one of the solar projects because someone posted it on Facebook. You’re supposed to put it in the paper and we did put it on our paper, but it looks like something we’ll look into because in this new age, a lot of people don’t read papers period, not just the fact that’s our official paper.
- Unidentified female - Also, the format of this is terribly misleading. You don’t even get to the part where it talks or describes Alle-Catt, LLC until you get at least two complete paragraphs down. (*Craig Clark, “oh as far as the heading itself?”*) Yes, I’ve been diligently searching through the Olean paper and the Cuba Patriot just because I can see the way Invenergy wants it to be posted. (*Craig Clark, “that wasn’t their posting, it was our typical posting, but I will talk to our lawyers about that, ok?”*)

- Unidentified Male - I'm not sure on the town but what is the town on Genesee and Centerville that already has 50, 60 turbines up there. There's quite a few of them. Someone responded, "Eagle, Bliss." What are their pros and cons? I go by there quite a bit. Craig Clark asked again for people to identify themselves. This individual never did.
- Jeff Tutuska, Centerville – I could answer a couple of his questions. I'm on Lost Nations Road and I border the Noble-Bliss wind park and I could tell you, post construction, there were over 70 complaints of noise, shadow flicker, tainted wells, loss of property value, very few of which were ever resolved. If I understand correctly, they do not pay any town tax right now, but that PILOT is ten years from being expired. Ten years from now you look at what's going on in Fulton County when the PILOT's do expire, and these developers say these projects aren't worth much so we're not going to give you much. With all due respect to these board members, they don't represent me, but they did a great disservice to their residents because Invenergy came in and said, 'this is the law we want you to write.' They did exactly what Invenergy asked without any negotiation. They wrote laws that someone could put a turbine 660' off a neighboring property line and not even negotiate with them. They could have had decent setbacks for noise, for distance, but they opted not. They did exactly what Invenergy asked. Instead of negotiating with their neighbors, they're screwing their neighbors. You guys did this to these residents who are affected. You had every opportunity to write a law that would protect the residents but instead you sided with Invenergy. The environmental assessment form, Part 1, at least in Centerville they lied. They said there would be no negative impact. Part 2, they submitted empty; they didn't even fill it in. Curt (Crandall) you guys accepted Centerville's wind law without even reading it. You accepted Centerville's wind law before Centerville even approved it. I mean, look at this, here is the breakdown of the IDA. Your legal counsel is Dan Spitzer. He's been pushing wind energy for the last 15 years in this area. I don't see this as being unbiased. This is what makes us think that you're just as bought as these guys have been. This does not make you look good when Dan Spitzer, the guy who's pulling all the strings on all these puppets in Centerville is pulling your strings as well. I don't believe you look at any of the negative impacts of this thing and we fully expect you to do so before you pass any PILOT. (*Craig Clark responded, "we will."*) I mean you guys consider yourselves Republicans and Conservatives? I mean here you are riding Cuomo's coat tail on this bullshit liberal agenda. This is chromy capitalism. This is the Government picking out the winners and the losers. This is the reason why this area is struggling. This is why our taxes are so high. This is why there are so few jobs. This is why our rates are so high, it's because he's handing money to these corporations that do nothing for us. I mean, you are complacent in the position this county is in. Giving these people a PILOT is just going to create dead zones where the turbines are. Nobody is going to invest in their properties. Nobody is going to put up new builds. We were able to see that when Invenergy put their project in Orangeville. Look at nine years prior to them going on-line and nine years after and there was a great decrease in new builds, construction and remodeling in that area. Nobody invests in areas where the property values plummet. You can tell me that some of these property values didn't plummet. I don't believe it. We have plenty of surveys that weren't provided by the wind industry that prove it affects property owners. I've got a statement prepared for Centerville but that's in a few hours. That's all I have to say for now.
- James Cogle – I am a resident and landowner in the Town of Canisteo. Before I read this statement I'm sitting here listening to this and I gotta tell you, I've heard it all before. Somewhat to the defense of the members of the IDA, the timing, procedure, the techniques that I've heard complained about are 100% pure Invenergy. I can list, from personal experiences, a dozen different episodes where this very same thing has happened, and people fall for it every time. And Invenergy, I guarantee you, will turn around and say "See, nobody's against it in Rushford, hey only a couple of dozen people showed up, that means

Cogle, cont.

we are in.” As to Mr. Bliss and the other people who seem to deal in inuendo and second-hand information, look around. There is enough documentation of what has happened on these other projects that have come to fruition. You don’t need to deal in conjecture. There is cold hard evidence of economic impacts, health impacts, property values, assessed values. It’s all here folks and the only reason I can speak with so called authority is because I have spent the last two years digging into this stuff and I gotta tell you, it’s not easy finding the truth, but it is there. Now as far as the statement that I wrote, I want to first note that although I’m a resident of a neighboring county, being involved in a project nearly identical to yours, I share much in common with you and my concerns and familiarity with these projects very much applies here. As such, I trust that I will not hear as I’ve heard in my own hometown, that, “you’re not from here and this is not your business and you should go home.” I am from here and it’s everyone’s business and what affects us in the next county will affect you as well and vice verses. So, please, don’t fall for the pitch that it’s happening somewhere else to somebody else and it doesn’t affect me. There’s nothing that the developers like more than to use the divide and conquer technique to further their own goals. These so-called wind farms will not exist in isolation but they will be in-separately linked to each other as in the Canisteo development. Thus, all the impacts of one are of the others also. I’m going to try and limit this a little because I could go on for the rest of the day here until you’re all asleep in what I have found about health impacts, eagle kills, you name the topic, but I will limit it mostly to the economic. Much town benefits to trade from wind energy, I have learned from two years of study, are far outweighed from its shortcomings. There is one small part that a diversified power system, wind might be acceptable and from an engineering standpoint, of which I have a dabbling of knowledge in, you have to have diversity in sources of power. But, not as the single salvation it’s advertised as. This is a salvation based mainly on an uninformed, unsubstantiated, politically motivated agenda forced upon us from on high. Why, then, has wind energy gained such seeming support in the face of so many well documented shortcomings. The earnest enthusiastic developer representatives really don’t give a damn about clean energy. They don’t give a damn about CO2 emissions or clean air and they don’t give a damn about you, your health or community or the long term social and economic impacts on it. Their one sole motivation is M-O-N-E-Y and I’ll explain a little further. Wind projects and its infrastructure is built and survives almost solely on subsidies. Another name for which is your tax dollars. These subsidies flow in from numerous sources at the federal, state, county and municipal levels and too many different forums to list right here. Most important, the subsidies are given based on the potential output capacity of the wind farms. Not, according to the number of windmills, as commonly thought. In fact, once built, the turbines don’t have to be operating, it’s only the potential output that’s considered, hence, the greater the possible generating capacity, the greater the subsidies, with little consideration for operation beyond that. Some other important points bear consideration. What happens to the power after that is subject of some concern. It’s been established that in recently approved nearby projects, they will be limited in the amount of power they can feed into the existing grid which is already nearing its peak carrying capacity. Why, then would you build additional wind farms with excess capacity. You already know the answer...money and subsidies based on the potential generating capacity. These new installations must already reduce their output in times of peak load such as summer, exactly when the power is needed the most and it doesn’t stop there. A recent audit discovered that the Niagara Falls hydro electric power facility, the most renewable energy source of them all, has been ordered to intentionally reduce their output so the grid may accommodate more wind generated power. In doing so, trading power costing 4cents per kilowatt hour, for that costing 13 ½ cents per kilowatt hour. If allowed, this one source of hydro electric power alone could generate an additional 1.5 tera watts of electricity. That’s enough to power an additional 150,000 homes, so why do we need wind? If you were thinking ‘why not build a whole new transmission system?’ Well, it’s been tried. There was a recent proposal to build an entirely

Cogle, cont.

new truck line across the length of the Southern Tier to New York City, the ultimate destination of all upstate generated wind power, an illegal challenged system was soundly defeated by a coalition of south southern tier townships, through which the lines would pass without providing any benefit to them whatsoever. I've heard of no interest by the developers into expanding or upgrading the transmission system. This is the responsibility of the utilities, not them. I can only assume that this lack of interest stems from the lack of incentives to the developers for doing so. On another point, you've already heard of the promise of job creation on the project. As with the windmills themselves, this employment bonanza will be short-lived and will benefit mostly out of town, out of area workers. Invenergy admits in the case of the Canisteo project, one expanding five townships, only 5-7 employees will be needed on a permanent basis. Here's an interesting fact, in neighboring Steuben County, their IDA contributes heavily to these projects in the interest of job development. The PARIS reports, that is, the Public Authorities Reporting Information System, publicly available annual documents generated by the IDA shows that in 2017, \$2.3 million was given to the Howard, New York project in Steuben County in the form of tax exemptions. This in return for PILOT payments of \$479,000. This for a project that now employs a total of 2 persons. The numbers are proportionally similar for the Cohocton and Marsh Hill projects in Steuben County, and remember, those tax breaks are made up by someone. Ask yourself, who? When you receive your next property tax increase, as we just did, in the Town of Canisteo and that was immediately after they welcomed Invenergy with open arms. So, did we really see a decent return on our investment? Where does the power go when it leaves the area? It is required that a purchaser be contracted as a condition of site approval. In the case of the Canisteo project, this being the New York Power Authority of New York City. However, we know nothing of this arrangement, the one in which we are the supplier, since the terms appear to be confidential. And this, even after one local entity has filed a full year of FOIL requests, which have not been answered. Why, then, should Allegany County IDA or any upstate agency give away our tax money to benefit an out-of-state developer so that they may jeopardize our health, undermine our property values, defile our upstate country side, generate unnecessary power that will not benefit us, only NYC. A personal note, I recently read a fascinating book that dealt with the evolution of the Cold War in post-World War II euro. The author describing one very well known world leader stated, and I quote, "He came across as a straight talker, honest and smooth as hell. When it suited him he could be a good listener. At the conference he found his usual practice of ignoring facts when they didn't suit his argument while relying on ambiguity to win compliance." That passage jumped off the page at me as an almost perfect description of the wind developers. In two years of personal study from many, many sources, I've learned that trying to extract honest, accurate complete and consistent information from these individuals is almost impossible. They will avoid direct questions, instead giving irrelevant, vague, non-committal answers, contradict themselves and outright lie if it suits their cause and I will give you just one example. I sat through three days of evidentiary hearings in Bath in August, only as an observer, not with a legal party status and listened so I had a lot to compare to. In one case, a promise was made in writing to the Town of Canisteo to provide a letter of credit guaranteeing \$10,000 for the decommissioning of each turbine before a permit for construction is issued. That's right in the wind law that Invenergy handed every township over there and they signed nearly without question. \$10,000 per turbine, this, although their own study gives a minimum dismantle cost of \$179,000 per turbine after 20 years. At this evidentiary hearing, under oath, a company official stated he saw no reason whatsoever to post that guarantee until the project was in full operation. Not before the permit was issued, but after it was in full operation. What happens if the developer defaults during construction, a crane falls and kills someone, a partially built windmill topples, all of which have happened. Who will be held liable? And why the inexplicable change in terms? It's food for thought. These tactics appear to be standard operating practices in the industry and it also leads me to conclude that in all my years of dealing with people, organizations,

Cogle, Cont.

corporations, enterprises of any kind, that as a group, the wind developers are the most arrogant, the most deceitful, the most contemptible and most hypocritical, the most ruthless group of pathological individuals I have ever encountered. They are bent on achieving their own goals regardless of circumstances. I believe them to have little to no integrity or trust worthiness and under no circumstances do I believe that they or the product they offer would be of benefit to the environment, to my community or to the personal health and well being of anyone affected. As with other concerns that I have expressed previously, to the DPS via their website, and by public statements, and before other counties, legislatures and IDA's, and in numerous editorials, I therefore, would suggest that any consideration for PILOT subsidies to support this project or any other be summarily denied. Oh, incidentally, there's a post scrip. The well known world leader that this author was referring to was Joseph Stalin.

- Ginger Schroeder - I'm an attorney representing the Cattaraugus County Towns of Franklinville, Yorkshire and Machias in the Alle-Catt Article 10 proceeding. These towns are actively opposing the Alle-Catt project. I'm also the Cattaraugus County Legislator elect for the towns of Farmersville, Machias, Linden, Ellicottville, Mansfield and Franklinville. I'm a vocal and staunch critic of the shortcomings of this projects design and the shortcomings of Invenergy as its developer. I actually ran for Legislative office on this platform and despite the fact that Invenergy invested heavily in my opponents to try to defeat me, I won on a landslide basis, as did my running mate. Some of the citizens that you see in this room were part of the group that successfully petitioned the Cattaraugus County Legislature in August of 2018 for the passage of a resolution directing our IDA to fully tax large industrial wind projects. Our legislature has done the research. We're convinced this project will be a net economic detriment to our county and whatever economic benefits Invenergy dangling before the host communities will be greatly outweighed by the economic and environmental and quality of life losses that the collective community will suffer. Thankfully, in a recent election, we won 16 out of 17 of seats republican and our temperature remains solidly opposed to this project. Our goal is going to be to enact further legislative initiatives and initiate further directives to assure this project is never built in Catt County. We aim to fully protect our citizens against the economic and environmental harms of this project and in our County, we fully expect that our IDA will take our lead and we've actually received assurances from them that they will do so. Many of the Allegany citizens sitting here today I think came here with the thought that this IDA has an open mind. I'm actually of the opposite opinion with the following reasons that has led to this belief. First, we are here on December 30th. This project is months away from receiving any sort of permitting in the Article 10 process. I know because I was the lawyer in it, I sat through four days of hearing and we are months away from that. There is no reason for your IDA to be accepting an application from Invenergy at this time. Our IDA sent it back to them when they gave it to them in October, stating exactly that. Premature, get out. Then for you to hold of these sessions during a workday, during the day when most citizens are at work and then to hold it between two of the most important holidays of the year? And, last, only advertising in the newspaper that has zero circulation in the two towns that is mostly affected by this project? C'mon. You know that's either indifference or incompetence, I don't know which. Well, actually, I think it is deliberate indifference. So, judging by the diminished attendance in this room, I think it's a goal that you've achieved and I believe it's a violation of your duty under the law. I think that this public hearing is an inconvenient roadblock in what I think is a rush bid to pilot this program and to grant enormous tax incentives on the backs of your taxpayers. Second, as Mr. Tutuska commented, I don't think there is any coincidence here that your IDA shares the same counsel as the developer. That's a conflict. It's a terrible conflict. Dan Spitzer has been to every Catt County type meeting, all of our town meetings, as a proponent of the Alle-Catt project, representing Invenergy. And he represents you. How many people in this room knew

Schroeder, cont.

that? The developer and your IDA shares the same lawyer, whispering in their ear. It's crazy. Well, in Catt County there is also the revenue issue which is facing you here. I wonder how many people in this room know the handsome money is going to be earned by your IDA if they permit this project. If they give it a PILOT. In Catt County, it will be three times our IDA's annual budget. That is a powerful incentive. A powerful financial incentive to approve a project. You know, in the wise words of Upton Sinclair, it's difficult to get a man to understand something when his economic fortunes depend on him not understanding it. I'm also curious as to whether or not Invenergy's application to your IDA was as inadequate as the one that they submitted to our IDA. This half billion dollar project, unsigned, incomplete, missing critical schedules and containing falsehoods, demonstrable falsehoods. Our IDA said that the application was an embarrassment and it received better applications from developers for \$5 million projects. So, if you move forward on this public hearing on a similar embarrassment, if it's an equally poor effort, I think that's going to speak pretty strongly. Lack of permanent jobs. Invenergy states that this project will result in 11-13 permanent jobs. That's if all 116 turbines are built. One job for 10 turbines is their own estimate, but this job is always changing. In the two years I've been working on it, 8 hours per day, by the way, for no money. I do this pro bono. This project has changed, it's almost unrecognizable from what was first submitted. So, now they're considering a new turbine, and if this turbine gets put in, you might get fewer turbines in your town and you're certainly going to have less jobs. How many of those jobs have been promised to Allegany County? In general, IDA's are authorized to sponsor only projects that create permanent jobs. An IDA in developing a UTEP (Uniform Tax Exemption Policy) shall in adopting such policy consider such issues as the jobs a project will create or retain, permanent, private sector jobs. I want to know about the guarantee that Invenergy has made to you. That those jobs will be held by your citizens of this county. We didn't get that and I don't think that it will be. And, I think last, you are doing a dance with the devil. You're considering doing business with a bad corporate citizen who has been cited and fined by the NYS Attorney General for its bad acts and its material violations of the wind developers code of conduct here in this project. Not someplace else, not in Steuben County. Here in Alle-Catt. Invenergy failed to make the required public financial disclosures of the self and familial interests of the town municipal officials and employees. This is available on their website. It was only after the AG contacted Invenergy to ask for their defense of the charges that they failed to comply with the code that the disclosure list of all of the people sitting on these boards went from one person overnight to 10. Then 12, then 13 and now 14 conflicted municipal officials sitting on the town boards who are passing these wind laws at the behest of Invenergy. Four of them are in this county. So, meanwhile the harm has been done. When we want to look and see what the Attorney General ultimately said about this person, this company that you are thinking of getting into bed with? Based on the Attorney General's investigation, including information provided by this office and Invenergy, it is determined by preponderance of the evidence that it's established that Invenergy has violated the code of conduct in a material respect. As set forth above, the Attorney General has considered the relative severity of and relative harm to the public integrity. That's the Attorney General's words, not mine. Occasion by such violation they want to fine them \$25,000. Well I have this to say, for a billion dollar company, seeking a permit in the public trust to build such an expansive project in your community, their excuses for lack of compliance with the simple nature of that code, which is meant to have transparency, which has been lacking in this project from the first get-go, does not inspire any confidence at all, in myself or anyone else that this company is going to do the right thing and this project will greatly affect your citizens and I think you should think about that and it should weigh very heavily on your mind when you make your decision about whether or not they deserve your hard working tax payers tax money.

- Yvonne Wehust – Lives on Brookside Road right outside of Rushford. My husband and I moved here in 1974 and we raised our children here. They went to school here. Since then, things have changed as they do in all of our lives. I am a snowbird but we are home for the holidays. I received an email from Stephanie the day before yesterday about this meeting so I'm here just to read a few things from my neighbor who lives next door to me and couldn't be here because he is in New York City. He said that the World Health Organization has recently issued a study including that the shadow flicker and the infrasound and the general noise produced by the wind turbines produces negative human health impacts. The WNY Public Health Alliance made up of public health commissioners of all ten Western NY counties recently voted unanimously that NYS should not issue any siting permits for any of these proposal projects while based on human health studies that have been conducted. The NYS Association of Public Health Officials has also adopted this same position. You should know that the County Legislatures of Erie, Niagara and Orleans have all gone on record opposing the APEX project in Niagara and Orleans Counties. The Cattaraugus County Legislature has passed a resolution encouraging the IDA not to sponsor wind projects. The local laws of all project towns, except Farmersville, have been changed to provide what Invenenergy has asked to get this project approved. Turbine heights of 600' setbacks 1.1 times the height of turbines for example, 660'. Noise limits, DEC guidelines say would be intolerable. 45 DB's at night, which is about 20 decibels over nighttime background sound levels causing chronic sleeplessness and adverse health and 30 hours of shadow flicker. There is no health standard that justifies even one hour of shadow flicker but no town or any other agency has reviewed the impact Invenenergy's recommendations would have on our towns population, yet our town and others have agreed to these recommendations without studying. We have lost protecting wildlife in our woods and water. Why are we allowing Invenenergy to skirt these laws? I'm sure you have heard about all the eagles in our project area that are being put at risk. But what about us and our grandchildren being put at risk also?
- Karen Harvey – This video footage will be available on U-Tube on Chautauqua Updates if anyone wants to view it. From Chautauqua County's perspective, our county has determined that the economic impacts have been so great that they made a determination to also put forward a resolution that stated no PILOT agreements please to our IDA and our IDA agreed. We are experiencing the Arc Right project which has been two years up. It's very different from Eagle and Bliss. Much taller. And the next one you are going to be experiencing is going to be another 150-250' taller yet than Arc Right. What's happened to Arc Right in the last two years? 15% of the population fled. 150 of them have filed suit because their life has been changed so drastically, that they have a Class Action suit going. That's happened in almost every other community that has large, very large wind turbines. It's very different from what's in Bliss and Eagle and what's coming here. 600' is not 475'. Besides the loss, the realtors have come out publicly to say 30% loss in property values across the board in Arc Right. People in Arc Right are saying, "Guess what? Our taxes are now up 6.8%. How is that possible? We were promised a tax break." 6.8% in two years. When our County Legislature put forward its statement and its four counties now, Cattaraugus, Chautauqua, Jefferson. The statement says yes, there will be temporary increase economically, but overall, whereas, whereas, whereas, resolved, there will be a cumulative and overall economic detriment to our community. Therefore, we are stating that no Payment In Lieu of Taxes (PILOT) will be given to any large wind companies further in Chautauqua County. The first three went in under the radar and now we've seen the results of major economic impact that happened because of that one project, 27 turbines. Orangeville has a Class Action suit. Everyone knows that, right? Those people are not happy. There's 50 people there. It's happening to almost every other community, but they have to sign a silence, non-disclosure agreement. Our health board, and many

Harvey, cont.

others now, but our health board has come out publicly and it's made an international, kind of hit on the news media after seeing the health impacts in Arc Right that are now being documented have made a public statement that they recommend that no wind turbine this size will be any closer than 1.5 miles from a home. If they are any closer than that, the health impacts will have a very great detrimental impact on the health of the individuals. And guess who our attorney is for all of our wind projects in Chautauqua County? Dan Spitzer. (*Comments from the crowd: "Oh wow" "Go figure"*)

- Bill Dibble, Allegany County Legislature – About an hour south of the county. I met last Friday with the County Health Department officials to talk about the health impacts with the windmills. Commenting on taxes, they are taxing on school/county and town taxes. To project the town board, Charlie (Bliss) I think there should be a performance bond on each windmill. Tear it down in about 20-30 years. Get that done before the project starts. *Charlie responded they are working on the town law.*
- Dave Sabato – Rushford – This past fall I travelled extensively out west through Nebraska, Wyoming, South Dakota and saw more windmills than you could count. One of the things that we never say near any windmill was a building. So those who are conflicted with the idea that we need renewable energy, that's true, but there's a time and place for these windmill projects and Rushford is not the time or the place.
Craig Clark asked for any further comment from anyone we haven't heard from.
- Pamela Letchiner – I live right next door and don't know how much I'll see of the turbines but they concern me. We have new people coming in which is awesome. We have never ever, ever had a house for sale in town for more than 6 months. We have little children coming in. Unfortunately, what we also see, I work in a school district, Belfast, and we have four children that have autism. These turbines, with the flicker, are going to send these children crazy. You cannot settle them down. You cannot keep an autistic child in one room. They want to go outside. They want to play. They want to go in different rooms. You can not put black curtains up to hide shadow flicker in every room of the house. Dennis has a grandchild that has autism or something and they come out from Buffalo to enjoy the fresh air, to play in his pool and swim. This child is not going to be allowed to be out here. Dennis has even actually said, "if these come in, I will not be able to see my grandchildren if I'm in Rushford." I was told by a town board member, Charlie Bliss, I will call you right out, that I was told if you have a stroke, they are not on the same wave-length as the shadow flicker. You're not a doctor. You don't work with autistic children. You have no idea how these children's brains are wired. You cannot tell me that the flashing lights or the flashing bright light, or however it flickers, does not mess with a kid. I've worked with autistic kids for years. Anything can set them off and then on the other hand, when we have to decommission, I was told, "oh, we can scrap the stuff, we make a lot of money scrapping." Scrapping has bottomed out. Scrap goes up, scrap goes down. Well, did anybody else put into the thought plan minimum wage going up? Taking down a turbine is a delicate process. You have to have specialized people, specialized transportation, specialized everything. You can't take these turbines and blades to the dump. They have to be buried. You can't reuse them. The only part that is going to be used, maybe to salvage would be the tower. Okay, well in 20 years our EPA might be in a nasty mood and say, "hey guess what? The oil you used for that turbine we can't accept it. You can't scrap it so now you are losing more money. If Invenergy is giving us \$30,000 roughly to say, I know it's the wrong number, but \$30,000 to take down each turbine and it costs \$150,000 to take down each turbine, then where is the money coming from? Where is it coming from if you can't scrap it? Where is it coming from when

Letchiner, cont.

minimum wage is going to be skyrocketing for the specialized workers taking it down. Is it going to come from the County? It's going to come from our town. This county doesn't have it. Allegany County is one of the poorest counties in the state. Everybody knows that. Put that into consideration. Put children's health into consideration. Our population is receding. The whole state population is going away because of taxes and Cuomo and they're stupidity. But, when you have children that can't speak or say to you, "Mom, Dad that flickering bothers me" and all they do is act up. Now you have people who are confused and hurt because they can't help their children. Put that into consideration please.

- Unidentified Male – I just want to bring up the decommissioning. This board here negotiated a host community agreement. What was the number that you figured in the host community agreement for taking down these turbines? *Charlie Bliss said he didn't recall that.* None of you guys know, that seems like a major concern. *Charlie Bliss commented he doesn't memorize every document.* What do guys figure it will take to take these things down?
- Charlie Bliss – Okay I will comment on one thing that Pam said. I got an email that I read very carefully that talked about out of \$700,000 and some dollars to decommission these things. In the article there was one little phrase I caught right away because I'm used to reading things like this, that said exclusive of recovery costs for metal. So, then I read an article prepared by some engineer of a very large international engineering firm that I've worked with on a couple of hockey arenas, and they went through the whole process. Generators contain so much copper at today's value, it would be "x" amount of dollars. The tower steel can be cleaned of oil residue so that it can be taken and a few other things, like wire. We went from about \$700,000 to \$7,000 is what this respected engineering firm calculated with scrap metal and that's what you have to do with any scrap project. Now if scrap went down to nothing and having no value, that's never happened. And if it does happen, the world has a whole lot more problems than just some towers sticking up. I mean, we'll be looking for the next squirrel to shoot to get food. I'm not a doctor but I want to correct something you said. I was talking about the triggering of epileptic seizures when I was talking to you. I didn't say anything about autistic kids in the conversation that I remember. *Pam Letchiner responded many of the kids can have epileptic seizures because of the brain and things like that.*

Craig Clark asked for any other comments we'd like to hear as he'd like to close the hearing.

- Roger Coyle – I'll throw in a little bit on both of these topics. As far as epileptic seizures, there's a medical established fact and it varies from individual to individual that a certain frequency of a continuous flashing can, in some cases, induce epileptic seizures. They warn military pilots of this in propeller driven airplanes. It's an established phenomenon. Again, it varies with the organism but it is there. As far as decommissioning. Stop right there. Before anybody throws any numbers around, by DPS guidelines, you are not to include the scrap value of materials as a credit towards the decommissioning cost, reason being, that certainly we don't expect it to go to zero, but it is such an unpredictable and such a variable that it cannot be established 20 years hence what the scrap value will be. In addition, we speak of recycling the steel. You can't take a steel tube 400' tall and take it to your local dealer and say, "here it is, if it's "x" amount of dollars per ton, give me the money for it." No, it has to be cut into manageable size pieces depending on the thickness of the steel and that costs money. There are studies out there and other decommissioning projects which have analyzed this literally down

Coyle, cont.

to how much per foot it costs in settling, oxygen and labor, which by the way is also a pollution source to break this into manageable, sellable pieces for recycling. As to the blades, as the lady mentioned, there is no known technology, as of yet, for recycling carbon fiber composite blades. They have to be buried. And, again, given the precedent in the mid-west, there are projects in Nebraska and Kansas being decommissioned already. All of a sudden in North Dakota the landfills are seeing an influx of tractor trailers bringing blades for deposit. Why? Because the local landfills have wised up and they are refusing them. I can't picture a landfill in this area, especially after the people banded together a few years ago for "Bump the Dump." I can't picture anybody allowing a convoy of flatbeds bringing blades to put a hole in the ground in this county or anywhere else if they have any sense. As to the cost, they vary widely and wildly. Someone mentioned \$30,000. You've got a bargain from Invenergy. As I've mentioned before, in the wind law in Canisteo they are saying \$10,000 apiece. Again, a contradiction their very own decommissioning study says \$179,000 a piece after 20 years. That in itself is conservative. Most of the numbers I have read in other decommissioning projects, some of which have already been carried out, are between \$300,000-\$400,000 per windmill and you're right. It ain't going to be no minimum wage job cause they're going to have to be specialists to do this stuff. Who can tear down a 600' thing safely and dispose of the liquids, the oils the lubricants. One town board member in Canisteo, who was good with numbers, projected ahead. I can't give you his entire formula but he projected after 20 years, the decommissioning based on the rate of inflation etc., etc., based on what Invenergy promised them, whether they'll do it or not, God knows, that probably that township, and I believe the last count, and it varies, like they're trying to vary it here and not come up with a firm number. I believe there are either 15 or 19 windmills in the Canisteo township. Based on that, project ahead 20 years, I believe the Town of Canisteo will be holding the bag for between \$3.5 and \$4 million dollars out of pocket in decommissioning costs. And none of that, none of it indicates who will actually own these things after 20 years. Because of the decline the way the production tax credits the federal credit is graduated over time and, again, going back to you make money off of subsidies, Canisteo Wind, LLC, Alle-Catt, LLC all owned by the parent company Invenergy. After a few years when they have extracted what value they can from these things they sell the projects to another LLC. You will have no way of knowing who that is or what their financial condition is because they are privately held and you don't have access to that information. The suspicion is that some of them are even overseas held companies just as Iberdrolla is now with NYSEG. So, you don't know what your financial liability is going to be. As far as you know, they could conceivably walk away from these things and just leave them standing. What happens to the owner that has one on their property then? They hold the bag. They will be paying assessed value on their property and the value on the wind turbine. You can't afford the taxes? Guess what...you forfeit. And, now the hot potato goes right on. Who owns the property? The bank, the state, the locality? Who wants the thing with a windmill and yet it will still stand there as a derelict, abandoned piece of machinery. So all around, and this is something to look at is the long term of this thing. Not just health wise, but also economically. Sounds real good this year. Your school district, your township is going to get "x" amount of money. They don't give it away for free folks. There's going to be a string attached and it might not be during the term of these particular board members or this particular IDA. It might not be during the term that we own the property, but sooner or later the bill always comes due. We face the same situation with well established property values declining. We've owned the house for 25 years, we've done massive improvements, our taxes go up every year. Our school taxes when we first bought in Canisteo were something like \$700 per year and I believe our most recent one was \$2,500 and that was after our beloved school district promised us great, great savings through merger. They skyrocketed. Who is going to want to sell that property or buy the property? How can I ever recover my investment from it and they know it. So, again, look at

the long term down the road. Not this month, not next year, look at 5-10-20 years down the road before you make any judgements. And, again, the information is there. It's documented.

- Ginger Schroeder – I don't think I could have said anything about decommissioning better than you because you've actually sat through the DPS hearings and as a matter of fact, the salvage values will not be considered by the DPS, so that was an absolute fact. You don't need to do anything further than go on the Internet and look at the most recent town being faced with taking down two wind turbines in Falmouth, Massachusetts. On November 12, 2019 Article, \$2.5 million to decommission two turbines. This county is going to be holding the bag on that. That's why our county has figured out this is a net economic loser and I think you guys should consider that. *Craig Clark asked for her to send him the article.* She agreed.
- Charles Bliss – I'd like to ask the question why, if the IDA is involved, why would the town be liable for the decommissioning costs? *Ms. Schroeder asked if he was asking her as a lawyer.* Mr. Bliss responded various people have made the statement the town would be responsible for decommissioning costs.
- Ginger Schroeder – If you read Invenergy's lease, which I've never read a more one-sided accretion legal document, that Invenergy's leasehold states you will be taking down the turbine. *Charles Bliss stated they don't have any lease with Invenergy.* Well, whoever it is that has the leases. Those leaseholders will be holding the bag. It says, "if after one year, Invenergy does not take down the turbine," Invenergy is an LLC, which stands for Limited Liability Company, limited to the amount of assets put into the company. Leasehold says, "if after one year, Invenergy does not take down the turbine, you leaseholders can take it down" and chase us around for the money. That's ultimately why people think it's going to fall on the counties and the towns. These properties are going to fall into defunct and then who's going to own them. You're going to own them, the county. *Charles Bliss asked, again, why the town would own the turbine?* Ms. Schroeder responded "you will ultimately own the property because the landowner will default. They're not able to pay their taxes on it, so that's why." *Bliss replied that's possible but probably wouldn't happen.* Schroeder stated she was not going to argue about it.

Craig Clark interjected we have gotten past comments and if we could have any last comments. I do appreciate all your discussion, but I'd like to stay with comments.

- Dinette Dexter – Has anyone done a study on how these windmills will affect the towers for communications for our Emergency Services? Or has any study been done since we do not have a cable or internet provider that is a solid line cable. We rely, a lot of us, on either satellite or radio communications for our WISB's. Has any study been done what these windmills may or may not do for Emergency Services. *Craig Clark said he is not aware but will look into it. Good Question.*
- James Cogle, Canisteo – I can shed a little light on that. As far as emergency communications, I can't tell you. As far as physical obstructions, as far as potential interference with air traffic radar and communications and military and transportation, the FAA becomes involved and they have a sight they go to. I can't remember the acronym they use. I believe it is IOEAA. It's basically an obstruction analysis website. Every single tower has to be provided to the FAA with a very specific latitude and longitude. The FAA, in their own good time, will investigate at every single one of these sights and they will determine if there is any interference with anything to do with military, strategic, communications

Cogle, cont.

and so forth. I don't know if that would extend to local emergency but at least it's a starting point. It's there on the website, you can look at it, but to extract any further information, it's hard to do. You could call them if you have complaints but they will not divulge a lot of information, other than what they post. There proposed, then an interim and then a determination, 3 phases of study. There were a couple of towers in Canisteo that they determined were a conflict. After all, they're on high ridges, low flying aircraft, stands to reason. But as I was told by an FAA technician, even though this is there and they are bound to follow these FAA reports, one technician told me he was driving to his office in Rochester and he saw these towers in Cohocton and he asked his Supervisor, "what's this windmill project" and he said, "there is none. We've done no internal studies on obstructions around Cohocton." They put them up anyway. What could be done? They're not going to take them down. So, it's there, it's for the good but does the developer follow it? The letter of the law and spirit of the law, who knows?

- Unidentified Female – Well, Invenergy has a representative here. You've worked with him, right? Do you work for Invenergy? You can ask all the questions you want from this gentleman. I'm sure he's very well informed.
- Invenergy Rep – Never signed in or divulged name – I didn't want to make public comment on the record. I will be available after this one and at the next one. I can give information to you by phone or email, whatever works best for you.
- Unidentified Female – He just said he doesn't want to be on public record.
- 1st Unidentified Male - Of course not.
- 2nd Unidentified Male – Why not?
- Invenergy Rep – Well, obviously I'm biased. I'm not offering support or saying anything against the project. I'm just here to offer information.
- Dennis Galluzo – Emailed a prepared written statement, testimony and Rushford Report to Craig Clark, IDA Executive Director, which are attached to these minutes as Addendums 1, 2 and 3.

With no further comments or questions, the Public Hearing was closed at 11:33 a.m.

Respectively submitted,

CATHLEEN WHITFIELD
Recording Secretary

Addendum #1 – Dennis Galluzzo Statement

For the record, my name is Dennis Galluzzo. I am a pharmacist. I own Family Medical Pharmacy in Erie County and I am the only pharmacist member of the Erie County Board of Health. I recently retired as the Executive Director of the Pharmacists' Association of WNY. I want to thank the siting board for allowing me to express my concerns. I am grateful to see that this siting Board includes Members from the State Health Departments and DEC.

I have heavily invested in a beautiful piece of property in Rushford and I am extremely concerned about the two proposed commercial industrial wind turbines to be erected within 1200 feet of my newly constructed home at 9876 Brookside Rd. If I would have known that this massive wind energy project was coming to Rushford, I would not have chosen to retire and build in Rushford. I am not Anti-wind but no one should have to endure any infringement on their quiet enjoyment of their country property. I never received any notification from this town that any of this was going to happen; yet I received a tax bill ever since I bought the property in 2011. I started building in 2014 and just received a certificate of occupancy in the spring of 2018.

The first correspondence came to my attention April 5, 2017, from Thew Associates land surveyors to survey my property. It was unclear what this was regarding. Now, of course, I know. However, they said they would contact me prior to initiating any surveying tasks on my property. They never did and I never gave them permission, yet now I see they have markers all over my property.

The next correspondence was a post card from Invenergy for an open house meeting on January 31, 2019. My mom passed January 27, 2019 and I was unable to attend.

And, the next correspondence was from Scott Johnson in February 2019, so my concerns truly began at that time. I personally initiated the correspondence after hearing that Scott Johnson was negotiating with my brother who lives next door to me with landowner Yvonne Bellis. My concern was, and I asked Johnson did he not have the legal responsibility to negotiate with me directly since my brother did not own my land. Johnson made like it was perfectly acceptable.

Invenergy has been collecting leases as far as we can tell as far back as 2015. That is when Invenergy and our town boards should have alerted the populous. I believe everyone involved with Invenergy and that includes our town boards has purposely and unfairly not notified small property owners like myself who will be negatively impacted until it was too late to do anything regarding the adoption of the town laws. I only found out about this project well after the town law was passed. Then and only after then did Johnson try numerous times to push me into signing a lease, stating that I should sign since everyone else around me has signed. And, if don't sign right away that I will be closed out of the ability to join the group as they were reaching the deadline to include anyone else and I would lose out on collecting any money.

I was never notified of a public hearing regarding this proposal. I never received notification via first class mail as prescribed in the Rushford wind law of anything regarding this. Since this wind farm will affect my taxes it would have made sense that taxpayers would have been made aware of this by providing a notification via a tax bill. These industrial wind turbines will affect property values and tax value.

I am asking this Siting board to require Invenergy to enter into a Property Value Guarantee agreement. Invenergy says there will be no effect on property values. Therefore, they should put their money where their mouth is and they should have no objection to ensuring everyone in these towns is compensated if, after project construction, they cannot sell their property at pre-project assessed values. Under the agreement, Invenergy would pay the difference between what the property actually sells for, and the pre-project assessed value. A proper agreement with proper protections for Invenergy and for all of us can be arranged; other towns in various wind projects have received guarantees, we should as well.

The reason to believe property values will take a hit can be seen graphically in the visual impact map Invenergy provided. It shows that most people in Rushford will see between 10 and 30 turbines and those on elevated land will see 100 or more. Independent studies put the impact on property values at 15-30% within two miles of the project. I am currently in the process of getting a real estate appraisal on my property. All that being said and now that you know my background; my true concerns are public health related.

The World Health Organization has recently issued a study concluding that shadow flicker, infra-sound and the general noise from wind turbines produces negative human health impacts.

The Western New York Public Health Alliance (made up of the Public Health Commissioners from all 10 Western NY counties) recently voted unanimously that New York State should not issue any siting permits for any of these proposed projects until baseline human health studies have been conducted. The New York State Association of Public Health Officials has also adopted the same position.

You should know that the County Legislatures of Erie, Niagara and Orleans have all gone on record opposing the Apex project in Niagara & Orleans Counties. The Cattaraugus County Legislature has passed a resolution urging the IDA not to sponsor wind projects.

THE WHO Guidelines issued October 2018 now include wind turbine noise—I have provided an internet site: <http://www.euro.who.int/en/media-centre/sections/press-releases/2018/press-information-note-on-the-launch-of-the-who-environmental-noise-guidelines-for-the-european-region>. Also I have provided a good summation of issues and clarification regarding turbine noise as a health hazard for those who are not audiologists. I have provided that internet cite, here at: <https://www.masterresource.org/wind-turbine-noise-issues/wto-wind-turbine-noise-as-a-health-hazard/>

The local laws of all project towns (except Farmersville) have been changed to provide what Invenergy has asked to get this project approved: turbine heights of 600 ft., setbacks 1.1 times the height of turbines (i.e., 660 ft.), noise limits, DEC guidelines say would be "intolerable" (45 dB at night, which is about 20 dB over nighttime background sound levels, causing chronic sleeplessness and adverse health), 30 hours of "shadow flicker" (there is no health standard that justifies even one hour of shadow flicker). But no town or any other agency has reviewed the impact Invenergy's recommendations would have on our town's population. Yet, our town and others have agreed to these recommendations without study or question.

Most undeveloped rural communities have background sound levels at nights that are very low, about 25 decibels. NYS guidelines recommend limiting project noise so that the project only increases sound levels 6 decibels or less. An increase of 20 decibels is classified as "intolerable". Invenergy asks Rushford to adopt a 50 decibel limit. You do the math.

I saw a graphic, which I can provide to the board on request that shows that my property is expected to have at least 36.39 hours of shadow flicker a year, with a worse case of 89.11 hours a year for 93 days with a max of 1.08 hours a day. It shows this will happen in the months of May through August. This is above what was agreed upon by Invenergy! Why, in my circumstance, is this being allowed! The graphic indicates that the entire shadow flicker comes from Turbine 91 on John E. Metcalf's property parcel 49.-1-12.11. The Invenergy financial disclosure indicates that Scott Walter, Councilman of the Town of Rushford's in-laws have that lease. They state that the wind lease is between John Metcalf, Daniel and Ruth Metcalf valued at \$20,000 and \$40,000 a year. Over the 40 year lease that adds up \$800,000 to 1.6 million!

It was interesting to find out that Scott Walter voted for the Rushford wind law. Please tell me why he did not recuse himself from all of these proceedings. When I asked the town board they said the law was passed unanimously but Mr. Walter will recuse himself from the terms agreements that will occur in the future. This whole scenario is unconscionable.

I want to make it clear to this Siting board and everyone involved in this project that I will never sign a lease with Invenergy!

People are seeking counsel on breaking their Invenergy leases. Bruce Acquard in Freedom signed a lease. I believe he will or has already addressed the problems he is having with Invenergy with this Siting Board. The public and landowners in these towns need to be informed of the atrocities being inflicted on unwary leaseholders. Simply said once you sign a lease you give up all your rights to direct the goings on regarding Invenergy's development of this project on your property. This spring Mr. Acquard found Invenergy on his property ripping up his hayfield and constructing a road. When he accepted the lease, Invenergy represented to him that he would just be getting a buried cable. Well, now he finds out that Invenergy is planning on building a 50 foot access road right across his property destroying the only woods he has.

We have laws protecting wildlife, and our woods and water.

Why are we allowing Invenergy to skirt these laws? I am sure you have heard about the eagles in our project area being put at risk but what about me and my grandchildren being put at health risks.

For example, Public service law, 1001.23 exhibit 23 water resources and aquatic ecology Section 3 pertaining to wind farm facilities states, “an analysis and evaluation of potential impacts (during normal and drought conditions) from the construction and/or operation of the facility on drinking water supplies, groundwater quality and quantity in the facility area, including potential impacts on public and private water supplies, including private wells within one mile radius of the facility site, and wellhead and aquifer protection zones.”

Now Invenenergy was to establish maps of where wells are located in this project and I believe they stated that they will establish locations of wells only within 500 feet of a project and only those built after the year 2000.

This tells me two things. One, they are admitting that their turbine foundations may contaminate wells. And, two they conveniently picked a radius of 500 feet knowing full well the current town Invenenergy laws don't allow turbines any closer to property lines then 660 feet. How shrewd they make their own law and ignore the Health Law stating the radius standard should be one mile.

I don't know where the members of this Siting Board live but I fully intended on retiring to country life well away from the city sights, sounds and smells. These wind farms will destroy not only Mr. Acquard's and my woods but will invariably destroy the idyllic pastoral way of life generations of these people have come to enjoy. The cruel fact of it is they won't even realize it till it actually happens and then the lawsuits will come pouring down. Neighbor will be pitting against neighbor and friendships will be destroyed all in the name of the almighty dollar and fake green energy. I have made friends with my neighbors and I never intended on retiring to make battle against industrial wind turbines. This project will force people, and the economy they bring, out of all of these communities.

I hope this Siting Board will provide appropriate protections from this project for the owners and residents, which should include, at a minimum, a property value guarantee and proper setbacks. I believe the majority of owners and residents know nothing of this project and that failure can be laid squarely at the feet of both Invenenergy and these entire town Boards. This Siting Board can correct that failure.

Thank you

**NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT**

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In the Matter of: :
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Application of Alle-Catt Wind Energy LLC for a Certificate of : Case 17-F-0282
Environmental Compatibility and Public Need Pursuant to :
Article 10 for a Proposed Wind Energy Project, Located in :
Allegany, Cattaraugus, and Wyoming Counties, New York, in :
the Towns of Arcade, Centerville, Farmersville, Freedom, and :
Rushford. :
:
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PRE-FILED TESTIMONY OF:
Dennis Galluzzo
9876 Brookside Road,
Rushford NY.

Q: Please state your name and address for the record.

A: My name is Dennis Galluzzo. I own property at 9876 Brookside Road in Rushford NY. . My suburban address is 37 Wyeth Dr in Getzville NY, which is a suburb of Amherst, NY.

Q: Are you employed? If yes, by whom are you employed and in what capacity?

A: I am a pharmacist. I recently sold my pharmacy called Family Medical Pharmacy in Williamsville NY, Erie County. I also recently retired as the Executive Director of the Pharmacists' Association of WNY that encompassed work in all the nine counties of Western New York.

Q: What is your work experience and educational background?

A: I am the only pharmacist member of the Erie County Board of Health. I am also a member of the specialized medical assistance response team or SMART. I am a preceptor for both Schools of Pharmacy for D'Youville and the University of Buffalo, and an active member of the "Save the Michaels' of the World" Board that has helped people in addiction, recover, and stay in recovery. I have attached my Curriculum Vitae although I have not updated it in quite some time. I have dedicated my life to the profession of pharmacy. I have been blessed with awards including the prestigious Pharmacy Society of the State of NY, National Bowl of Hygeia Award that is awarded to one person from each state for their outstanding record of community service. Also, the National American Pharmacists Association Immunization Champion Award for my collaboration, coordination and communication among immunization stakeholders and public health officials. I was the first community pharmacist in NYS to immunize and I provided all my colleagues in NYS with the tools to affectively hold clinics with the proper consent forms, standing orders and procedures. This was converted into a Continuing Education course that was taught throughout NYS to pharmacists desiring of creating Flu Clinics.

Q: What is the purpose of your testimony?

A: The purpose of my testimony is to provide the Siting Board with information it needs to make a final decision in this proceeding, and to raise my concerns about the proposed Alle Catt Wind Energy LLC ("Alle Catt") project.

Q: On whose behalf are you submitting this testimony?

A: I am submitting testimony on behalf of the Coalition in this proceeding.

Q: What is your property's relationship to the Alle Catt project?

I have two planned turbines within 1200 feet of my property.

Q: How did you learn of the Alle Catt project?

A: I never received any notifications from 2015 through 2018 specifically about this project from anyone. I started building in 2014 and over the four years that followed, I completed my retirement home. I received a certificate of occupancy in the spring of 2018. The first correspondence came to my attention on or about April 5, 2017, from “Thew Associates” (land surveyors) to survey my property—I now know that Thew is associated with Invenergy. It was unclear what this was regarding at the time. Now, I know. Thew said they would contact me prior to initiating any surveying tasks on my property. I intended to ask them questions at that point. However, they never did contact me and I never gave them permission to survey my land, yet there are markers all over my property. The next piece of correspondence was a post card from Invenergy for an open house meeting on January 31, 2019. My mother passed January 27, 2019 and I was unable to attend. As a property owner with two planned turbines within 1200 feet of my retirement home and 700 feet of my property line, I understand that I am a “stakeholder” entitled to certain project milestone mailings. However, I did not receive any mailing of any open houses prior to 2019 and I did not receive notice of any preliminary scoping statement filing, application filing or public hearings, all of which I have now been informed that I should have received from Invenergy as a Stakeholder. This is all very upsetting. I have concerns about the project and feel I have not had the opportunity to address those concerns in a timely fashion with Invenergy.

Q: What concerns do you have?

A: In my new retirement, I was looking forward to enjoying the peace, quiet and serenity of a beautiful pastoral setting that my Rushford property provides. I am heavily invested in 9876 Brookside Road, Rushford NY. I have invested over three hundred thousand dollars to create what was to be my idyllic retirement place for rest and relaxation. Living and working my entire life in the city of Buffalo and town of Williamsville, Rushford is the only place I could find solace from the urban and suburban rush that has been the better part of my life. If the project goes forward and two of these proposed industrial turbines are built within 1200 feet of my Rushford home (that is the approximate distance given to me from Invenergy), I will be forced to leave my dream retirement home, due to the turbine’s well known intrusive effects, including viewshed impairment, noise

and shadow flicker. If I had been served with the notifications a stakeholder was promised by Invenergy in their PIP from the beginning, certainly starting in 2017, I would have put a halt to construction in Rushford until I learned more about the project and its impacts. I might have been able to speak with Invenergy to address those concerns or try to redress my town board to pass a more protective wind law. I was unable to do any of those things or get involved at the ground level due to the complete lack of notification and I feel that has harmed my participation. If I had proper notice, and got involved but was unable to accomplish those things early on, I would have sold my property immediately and moved to a place that could not be industrialized with wind turbines rather than having invested substantial sums in a place that will not be able to be enjoyed by me. My brother and his girlfriend who live next door and are also “stakeholders” did not receive any notifications of these “milestones” either.

Q: Did you receive any other Invenergy mailings besides the January 2019 open house postcard?

A: The received correspondence from Scott Johnson in February 2019 in response to correspondence I initiated after learning that Scott Johnson had tried “negotiating” with my brother who lives next door to me with landowner Yvonne Bellis, not only about her property, but also regarding my property. I informed Mr. Johnson that he needed to negotiate with me directly since my brother did not own my land. Mr. Johnson thought it was acceptable to deal with my brother and his girlfriend about my land. After that, I was never notified by Invenergy of the public hearing on this matter for June 11, 2019, but I was notified by citizen groups, so I attended and spoke about my concerns, particularly that industrial wind turbines will affect property value and the peace and enjoyment of my beautiful retirement home.

Q: Have you shared with any entity the impacts you fear will occur as a result of the Alle Catt project?

A: Since I only learned of the scope of this project in early 2019, I tried to approach my town board. I was informed that a wind law requested by Invenergy was just passed. It provides for the minimal setbacks that permit Invenergy to site turbines close to my home and property line. Since that time I have repeatedly tried to address what can only be described as a hardened Rushford town board, to change their wind ordinance to protect the health safety and welfare of the people of this community. I have spoken and/or presented

documentation to the Rushford Town Board on April 8th, August 12th, and September 9th of this year. And, I also spoke and presented documentation to the Siting Board on June 11th of this year during the public hearings. I also submitted commentary in the Rushford official newspaper, the Cuba Patriot, that published my entire June 11th speech to the Siting Board and a synopsis of my Rushford Town Board speech on the negative economics of the project on August 12th. I have shared other municipal positions on wind projects such as Iowa where the Madison County Board of Health has determined that there is a potential for negative health effects associated with commercial wind turbines. The Board encouraged those entities with jurisdiction within the county to require a one and one-half mile setback for future wind turbine projects. Yet, Invenenergy seeks 1.1x turbine height to property lines and 1200 feet to home. None of this shared information has had any impact on either Invenenergy and their project plans or the Rushford Town Board.

Q: Have you had any other contact with members of the Rushford Town Board about Alle Catt?

A: Yes. I also requested to be part of the negotiations for Rushford's Host Community Agreement with Invenenergy, which I had heard was being circulated to the Town Board. Starting February 12, 2019 I transmitted a series of emails to Town Supervisor Wade. He informed me to contact Scott Johnson of Invenenergy regarding the Host Community Agreement but Mr. Johnson told me to ask Supervisor Wade. This has been the typical "run around" I have experienced when dealing with this Supervisor. I asked for meetings to explain my concerns to him directly but he denied these requests stating that he would need to have legal counsel present and the Town could not afford that. Yet I have repeatedly seen him have private meetings with Scott Johnson of Invenenergy either before or after our town board meetings. Many residents have witnessed this. I am a taxpayer and very much offended by the privilege being extended to Invenenergy and not to concerned citizens. Not only does my town board ignore the proper public outreach requirements they also have not done due diligence prior to passing Invenenergy's wind law. Not a single study has been performed and no SEQRA analysis was done. I have discovered that a member of our Town Board has a close family member with an Invenenergy wind lease. This lease was entered into 2015, yet Invenenergy failed to disclose this fact to the public until November of 2018. This Board member, Scott Walter, has not recused himself from any wind related activities in his Town Board member role.

Q: Has the Town of Rushford entered into a Host Community Agreement with Invenergy yet?

A: Not yet. However, at the September 12th, 2019 town board meeting the topic of the Host agreement was discussed. Mr. Cal Chaplin, the candidate running unopposed for the position of Town Supervisor in November informed the board that they should be “negotiating” the Host agreement, not just reviewing what Invenergy gives them and just “signing off” as Supervisor Wade is suggesting. Also, Mr. Chaplin stated that the Board should wait until the town’s attorney obtains answers from the siting board regarding the concerns he presented in his “Issues” letter in this hearing. In response to this statement another board member said, “what is this and how come I don’t know anything about this letter.” The entire audience of residents laughed since many had public knowledge of it through the DPS website, which we now watch as soon as we learned of it. The Rushford Town Board is uninformed about the basics of this project and appears to only listen to Invenergy. Another example of this is that a town board member insisted at a recent Town Board meeting that Invenergy has told them that turbines will not be visible from Rushford Lake, which is the heart of Rushford’s tourism economy. This establishes that our town board is not doing their diligence and are being misled by Invenergy, as the documents that Invenergy has supplied to the DPS on the website clearly show that turbines will be quite visible at the Lake. This is very concerning.

Q: What , if anything, have you done about that concern?

A: I am continually finding out about more residents and/or property owners who are just learning of this project in Rushford. When I became apprised of the scope of this project in late February of this year I contacted Gary Abraham and Ginger Schroder and decided to start a citizens group in Rushford to give an organized voice to those that have deep concerns about this project and the industrialization of this town. We are also supporting candidates for the Town Board in the upcoming elections. I have become vocal in my opposition to this project and the industrialization of Rushford. I have given information and documentation to the Town Board with references to professional studies by scientists to prove the points I made in my remarks to them , but they are uninterested. I have just been informed a few days ago that the citizen’s FOIL request to the Town Board for the draft Host Community Agreement has been referred to Town Counsel who has declined to release it. Once again the citizens are kept in the dark, when this agreement will affect every taxpayer.

Informing the taxpayers and letting them have a say in their governments decision should be part of this board's diligence. I have heard that Invenergy has only offered Rushford \$10,000 security per wind turbine for decommissioning. Farmersville's Host Community Agreement has \$30,000 per wind turbine. At either of those two figures, decommissioning will be an economic disaster for Rushford. I firmly believe that property values will also be adversely affected by this project and that is a grave concern.

Q: What, if anything, have you done about your concern regarding property value decline?

A: After researching and presenting documentation to the Rushford town board and this tribunal regarding the negative health effects of shadow flicker, light pollution at night, audible sound, infrasound and the possible contamination of wells, I believe Invenergy should be required to enter into a Property Value Guarantee agreement. Invenergy has repeatedly said that there will be no effect on property values. If that is true then there should be no issue with a property value guarantee to ensure that everyone in these towns is compensated if, after project construction, they cannot sell their property at pre-project assessed values. Under the agreement, Invenergy would pay the difference between what the property actually sells for, and the pre-project assessed value. Other towns in various wind projects have received guarantees, we should as well. The reason to believe property values will take a hit can be seen graphically in the visual impact map Invenergy provided. It shows that most people in Rushford will see between 10 and 30 turbines and those on elevated land will see 100 or more. Independent studies put the impact on property values at 15-30% within two miles of the project. In my economics speech of Aug 12th to the Rushford Town Board, I attached studies to support that property devaluation will occur. As local property tax revenue declines due to lost home values, all local property owners will be required to pay a higher tax rate. Residents living in some wind projects have had to abandon their homes. Property value loss is worth millions of tax dollars over the life of the project.

Q: Do you believe this project will adversely affect the value of your property?

A: It will. For my property at 9876 Brookside Road I retained a professional, Robert Strell, to provide an analysis of pre and post Alle Catt construction property value. He has appraised my property at \$270,000.00. I have over \$300,000.00 invested but I put higher priced amenities in my home than another buyer may be willing to pay for, believing I would retire there and I wanted the most reliable materials so as to decrease

possible maintenance. He has stated that due to the close proximity of the 2 proposed turbines to my site that after the turbines were installed that I could expect to obtain a sales price of approximately \$204,000.00; a loss in value of 24% or around \$65,000.00. Mr. Strell's analysis is submitted with this testimony as Galluzzo-1. Coincidentally, I just returned 9/27/19 from a hunting trip in Montana where I stayed at ranch owned by Butch Schwers. He informed me that he had 14 wind turbine leases on his property that consists of 5000 acres, but the turbines were restricted to a specific area over 5 miles away from the nearest home which happened to be his. He stated that he would never subject anyone to the effects of a turbine and that no home should be within a mile of them.

Q: Have you shared all of your concerns regarding Alle Catt?

A: No. Last, I am concerned to discover that this Rushford town Board is not following the Town's Comprehensive Plan as the 2018 wind law adopted by the Town violates the plan. There is no affirmative support for industrial-scale wind projects in the Plan. While the Plan acknowledges such projects have a "force" to be reckoned with, the Plan states that planning should be engaged to react to this force:

The advent of alternative energy technologies and the desire to reduce the amount of fossil fuels utilized to generate electricity have combined to identify wind as a new development force. Town Planners must now address both residential and industrial wind energy generating systems and take into account their effects, either positive or negative, on our economic structure, our aesthetics and environment. While this is a Town issue, it has national consequences as the Country transitions from fossil fuels to a variety of alternative energy technologies.

When considering industrial wind, the Plan clearly acknowledges there are also a variety of positives and negatives. The Plan statement requires town planners to address these effects—before acting. That is not what has happened. Like all the other towns in the Alle-Catt Project area, Rushford simply accepted and adopted standards recommended by Invenenergy in order to accommodate the proposed project—without addressing the effects of doing so. The Town's Comprehensive Plan, sets as the town's goals: "retain its rural character and heritage", "preserve [] areas of natural beauty and open space", "preserve its natural resources", "and revitalize its economy consistent with the other goals of this plan." (Plan, 2-2.). Changing the local law to permit such a

large and intrusive project such as Alle Catt is not consistent with these goals. Here is the link to the Town of Rushford's website containing a click tab to the left for the Comprehensive Plan. <http://rushfordny.org/>

Q: Does this conclude your testimony?

A: Yes.

Rushford Report

Estimated Net Annual Community Financial Impact from the Proposed Invenergy Wind Project:

An Annual LOSS of \$1.9± Million

8-12-19

To Rushford Town Board Members:

The primary rationale for the Rushford Town Board's current support of the proposed Invenergy [Alle-Catt](#) industrial wind project (projected to be 117± turbines, each 600± feet tall, (where 9± turbines will be in Rushford), is that the developer claimed that this would be a financial windfall to our community.

Clearly such an assertion is self-serving. The only way the Town can make an **informed decision** about the community economics for this wind project, is to fully assess ALL of its local financial **pros and cons**.

In other words, it is the Rushford Town Board's responsibility to perform an **objective and comprehensive** assessment of ALL potential economic impacts to the entire community — *before* giving any approvals to this complex, long-term project. To date, we believe no such assessment has been performed by the Town.

We would hope that such information would be readily available from State agencies. However the WNY Public Health Commissioners did recommend you do a base line health study should wind turbines effect the health of your citizens.

Since our local, county and state representatives are not providing this information; concerned citizens have prepared this ballpark analysis.

The estimates presented here are supported by over 50 sample studies and reports referenced below. Note that those are typically from **independent experts**.

Concerned Citizens of Rushford
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Estimated Annual Rushford Community Financial Impact for the Proposed Alle-Catt Wind Project

Subject	Comments	Annual Income/Cost	References
Alle-Catt Wind (10± turbines, Rushford area each 600± feet high)	We are accepting the community benefits claimed by the wind developer at face value — even though none are guaranteed.	+ \$.3± Million Income from property taxes, lease payments, misc. employment, etc.	Developer's documents & statements
Agricultural Losses Due to Bats	<ul style="list-style-type: none"> • It is well-documented that turbines can kill large numbers of bats. • The main solution the wind industry has is to shut off turbines. • Bats are prodigious insect eaters. An individual bat can consume 1000± insects an hour. • When wind turbines come to a community, the bat population can take a substantial hit. • Decreased bat population means many more insects, which results in a decrease in crop yields. 	<p>— \$.7± Million</p> <p><i>Note 1:</i> Bats can travel 100± miles a day, and easily 10± miles from a wind project site.</p> <p><i>Note 2:</i> A 10 mile radius from the project site (+ site itself) equals roughly 1/3 of our town area.</p> <p><i>Note 3:</i> Take mid-range county impact 4.3M with 50% due to turbines (Reference #2).</p> <p><i>Note 4:</i> Approximate annual loss: \$4.3±M x 50%± x 33%± = \$.7±M</p>	1-5
Agricultural Losses Due to Local Weather Changes	<ul style="list-style-type: none"> • Industrial wind turbines can alter the weather up to 14± miles away. • Temperature and humidity can be adversely affected. • Temperature and humidity changes can lower crop yields. 	<p>— \$.1± Million</p> <p><i>Note:</i> There are no good numbers for this type of loss (as the NYS Dept. of Agriculture has not monitored or studied this), so this is a low, rough estimate.</p>	6-10
Residential Property Devaluation	<ul style="list-style-type: none"> • This is a major Property Rights issue. • The Town has the obligation to fully protect what is likely its citizens most valuable financial asset. • Due to negative visual impact, residential property value will decline within at least a two mile radius of the project site. • As local property tax revenue is lowered due to lost home values, ALL local property owners will end up paying a higher property tax rate. • Some property abandonment has happened near other wind projects. 	<p>— \$.4± Million</p> <p><i>Note 1:</i> Based on 680± homes within 2± miles of wind project.</p> <p><i>Note 2:</i> Average home value in Rushford is \$80,000.00±.</p> <p><i>Note 3:</i> Assumes low-end value loss (15 %±) = \$12,000±/ home.</p> <p><i>Note 4:</i> Total property value loss: 680± x \$12k± = \$8.2±M</p> <p><i>Note 5:</i> Annual loss (averaged over 20± year life of project): \$8.2±M / 20± = \$.4± M</p>	11-15
Tourism Reduction	<ul style="list-style-type: none"> • Multiple studies indicate that tourism can decrease in communities with visible industrial wind turbines (esp. those that are vacation destinations). • NC State University (a pro-wind source) did a very applicable survey. Their results were that 80%± of tourists would not come back to where turbines are visible (Ref #17). 	<p>— \$.2± Million</p> <p><i>Note 1:</i> Per the NYS, our County tourism is \$70± M/yr.(7M for Rsh)</p> <p><i>Note 2:</i> 10%+ of the Rushford will see these tall wind turbines.</p> <p><i>Note 3:</i> A very low impact of only 30% (<u>vs</u> 80%) is assumed.</p> <p><i>Note 4:</i> Estimated Annual loss: \$7±M x 10% x 30% = \$.21± M</p>	16-20

Subject	Comments	Annual Income/Cost	References
Adverse Health Effects	<ul style="list-style-type: none"> The World Health Organization has gone on record saying that the effects of infrasound can be much worse than those of audible noise. Some impacts of infrasound and shadow flicker are: cardiac effects, anxiety, sleep disturbances, mental and emotional health decline, etc. Studies show that these impacts can result in an inability to perform daily tasks, compromised quality of life, and an increased risk of suicide. 	<p>— \$.3± Million</p> <p><i>Note 1:</i> Not everyone is affected the same way by these health problems — just like not all smokers get cancer.</p> <p><i>Note 2:</i> Human health is priceless, so there is no accurate way to give the full value of wind turbine caused human ailments. Here, a very low, rough estimate was made.</p>	21-30
Hydrogeological Impacts (Drinking water and wells)	<ul style="list-style-type: none"> Turbine base excavation (which can be over 40 feet deep), and related project construction, has been shown to put water wells at risk. Some communities have experienced dramatic or yet-to-be reversed damage including sediment and contaminants in ground water. Risk of well water loss, can result in the additional cost to connect more residents to town water. These seriousness of these issues depends on local aquifer depth, soil percolation, etc. 	<p>— \$.2± Million</p> <p><i>Note:</i> There are no hard numbers for this type of loss as it is a very localized matter (i.e. dependent on local hydro-geological conditions, quantity of private wells, depth of private and community wells, etc.). This is a conservative, approximate estimate.</p>	31-35
Ecological Impacts, e.g.: Wildlife Ecosystems	<ul style="list-style-type: none"> Disruption of wildlife (birds, deer, bears, etc.) habitats due to road, power line, etc. fragmentation. Displacement of animals (e.g. due to tree removal). Direct negative impact to organisms' environment. Increased parasitic infections in certain populations (e.g. raccoon). Permanent soil erosion can impact local species. A single significant change in an ecosystem can result is a chain reaction that can be irreversible. 	<p>— \$.1± Million</p> <p><i>Note:</i> This amount of this loss is very dependent on the local terrain, degree of forestation, bodies of water, etc. Since no study has been done locally, this is a low, rough estimate.</p>	36-40
Miscellaneous, e.g.: Agricultural (misc.) Livestock Hunting Communication Military Leaseholders	<ul style="list-style-type: none"> Loss of employment, plus less seed and equipment, etc., purchases due to reduced farming operations. Reduction of pollinating insects. A variety of livestock ailments. Hunting restrictions and reduced available wildlife. EMS and communication expenses. Losses to turbine leaseholders. 	<p>— \$.2± Million</p> <p><i>Note:</i> This is an approximate low estimate of the financial consequences of several other possible negative results of this industrial wind project.</p>	41-50
NET TOTAL	Community Net Amount:	— \$.1.9± Million per Year	

Sample References for Some Wind Energy Local Economic Impacts

Agriculture and Bats –

1. <http://wiseenergy.org/Energy/Wind_Economics/Bats_and_Agriculture.pdf>
2. <http://wiseenergy.org/Energy/Bat_County_Data.pdf> (US agricultural loss data, by county.)
3. <https://www.dec.ny.gov/docs/administration_pdf/batsofny.pdf>
4. <<https://academic.oup.com/jmammal/article/94/2/506/914006>>
5. <http://wiseenergy.org/Energy/Wind_Economics/Bats_and_Turbines.pdf> (Collection of studies, etc.)

Agriculture and Local Weather –

6. <<https://www.sciencedirect.com/science/article/pii/S0167610510001467>>
7. <<https://www.nature.com/articles/nclimate1505>>
8. <<http://www.co2science.org/articles/V20/aug/a17.php>>
9. <http://www.atmos.albany.edu/facstaff/mathias/pubs/Slawsky_et_al_2015.pdf>
10. <<http://iopscience.iop.org/article/10.1088/1748-9326/11/4/044024/>>

Residential Property Values –

11. <http://wiseenergy.org/Energy/Wind_Economics/Clarkson_Henderson_PV_Study.pdf>
12. <<http://www.spatial-economics.ac.uk/textonly/SERC/publications/download/sercdp0159.pdf>>
13. <<https://tinyurl.com/y6cx2k7q>>
14. <<https://tinyurl.com/y4nhhcq6>>
15. <http://wiseenergy.org/Energy/Wind_Ordinance/REValues.pdf> (Collection of studies, etc.)

Tourism –

16. <http://wiseenergy.org/Energy/NY/NYS_Tourism_Data_2017.pdf>
17. <<https://cenrep.ncsu.edu/2016/04/03/offshore-wind-tourism/>>
18. <<https://www.sciencedirect.com/science/article/pii/S0301421515300495>>
19. <<https://tinyurl.com/y5tx4vr9>>
20. <http://wiseenergy.org/Energy/Wind_Economics/Tourism.pdf> (Collection of studies, etc.)

Human Health –

21. <<https://asa.scitation.org/doi/pdf/10.1121/2.0000653>>
22. <https://file.scirp.org/pdf/OALibJ_2018122013570614.pdf>
23. <<https://tinyurl.com/y2huzqgs>>
24. <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3653647/>>
25. <<https://www.intechopen.com/books/acoustics-of-materials/acoustics-and-biological-structures>>
26. <<https://docs.wind-watch.org/Zou-suicide-2017-Oct.pdf>>
27. <http://www.waziristan-calc.igsz.de/infra/Weichb_2017.pdf>
28. <http://www.epaw.org/documents/Wind_Turbine_Noise_Sleep_Health.pdf>
29. <<https://puc.sd.gov/commission/dockets/electric/2018/EL18-026/prefiledexhibits/davenport/i32.pdf>>
30. <http://wiseenergy.org/Energy/Health/Sample_Wind_Noise_Studies.pdf> (Collection of studies, etc.)

Hydro-geological –

31. <<https://tinyurl.com/z2sbyrs>>
32. <<http://www.windconcernsontario.ca/wind-turbines-to-blame-for-well-water-problems-hydrogeologist>>
33. <<http://windeis.anl.gov/documents/fpeis/maintext/vol1/vol1ch5.pdf>>
34. <<https://www.wind-watch.org/news/2017/02/22/could-wind-turbines-taint-area-aquifer>>
35. <<https://tinyurl.com/yyb2g9ek>>

Ecological –

36. <<https://www.nap.edu/read/11935/chapter/5>>
37. <<https://wcfm.org/2016/10/02/wind-turbines-effects-on-animals/>>
38. <<https://www.spectator.co.uk/2013/01/wind-farms-vs-wildlife/>>
39. <<https://wildlife.org/wp-content/uploads/2014/05/Wind07-2.pdf>> (Collection of studies, etc.)
40. <<http://npshistory.com/publications/sound/wildlife-noise-bibliography.pdf>> (Collection)

Miscellaneous –

41. <http://wiseenergy.org/Energy/Wind_Other/Wind&Hunting.pdf> (Collection of studies, etc.)
42. <http://wiseenergy.org/Energy/Wind_Other/Wind_Energy_Communication_Interference.pdf>
43. <<https://www.mprnews.org/story/2009/10/15/reimer>>
44. <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5846843/>>
45. <<https://www.ncbi.nlm.nih.gov/pubmed/24597302>>
46. <<https://canadafreepress.com/article/open-letter-windfarms-and-animals-e.g.-birth-defects>>
47. <<https://greenliving.lovetoknow.com/environmental-issues/effects-clear-cutting>>
48. <http://wiseenergy.org/Energy/Military/Military-Wind_Overview.pdf>
49. <http://swkroa.com/docs/wind_energy_speech_6.pdf>
50. <<http://docs.wind-watch.org/CALT-Legal-Brief-Wind-Energy-Production.pdf>>

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