

## TOWN OF CAPE VINCENT

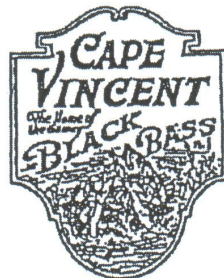
Jefferson County, New York 13618

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Urban C. Hirschey

Town Clerk/Tax Collector  
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Planning Board Chair  
Richard H. Macsherry

Board of Appeals Chair  
R Dennis Faulkham

Zoning Enforcement Officer  
James G. Millington

February 22, 2013

Honorable Jeffrey C. Cohen  
Acting Secretary, NYS Board of Electric Power  
Generation Siting and Environment  
Three Empire State Plaza  
Albany, New York 12223-1350

### **Re: Case 12-F-0410 Cape Vincent Wind Power, LLC**

Dear Secretary Cohen:

The Town of Cape Vincent has been struggling with how to best ensure that all of the potentially negative environmental, health, safety and welfare issues are properly and thoroughly addressed by BP in their Preliminary Scoping Statement.

To date our attempts to identify and discuss issues with BP were unsuccessful. Whenever we sought answers, responses from BP generally do not come at all. On those few occasions when BP representatives came to our town, their responses to even our most basic inquiries were dismissive, evasive and impatient in their tone. Our concern is that BP's inattention in the past will carry over into their Preliminary Scoping Statement that may overlook many of the potential adverse impacts the Town has identified.

BP clearly understands the nature of our concerns as evidenced by the language included in their so called Good Neighbor Agreement. In these agreements BP identified many of the potentially adverse environmental impacts to landowners within and near the footprint of their project proposal. However, for BP to act in their dealings with the Town as if these adverse impacts are not pertinent, not relevant or untimely, shows no trace of good faith in their pretended public involvement and public outreach effort here in Cape Vincent.

Please note the opening paragraph and first part of BP's "Wind Farm Neighbor Easement Agreement and Declaration of Restrictive Covenants" as shown below:

1. Wind Farm Operations Easement. Owner grants Grantee an exclusive easement in , on, over, across and through Owner's Property, for the purpose of allowing any audio, visual, view, light, noise, vibration, shadow, flicker, air turbulence, wake, ice, electromagnetic, electric and radio interference, ice throw or other weather created hazards or other effect of any kind whatsoever resulting directly or indirectly from any construction, development, repair, maintenance, replacement, or operation of Grantee's Windpower Facilities or other of Grantee's activities on the Wind Farm, that could interfere with the Owner's peaceful enjoyment and use of the Owner's Property."

By including the issues of "... any audio, visual, view, light, noise, vibration, shadow, flicker, air turbulence, wake, ice, electromagnetic, electric and radio interference, ice throw ..." in their agreement, BP identified these as significant adverse impacts that may negatively impact the environment, health, safety and welfare of the "Owner" and therefore by inference the entire community.

BP's Good Neighbor Agreement provides a far more comprehensive listing of potentially adverse environmental impacts for Town of Cape Vincent residents than what BP describes in their revised and approved PIP. For example, their PIP identifies noise, shadow flicker, decreased property values and loss of wildlife and habitat as the only adverse impacts that should be discussed with the Town. The town contends that BP's Preliminary Scoping Statement of potentially adverse impacts should be as complete and consistent as that which BP requires in the Good Neighbor agreements.

Our belief is that BP has no intention of being transparent and fully informative as they press forward with this project. Their past history with us suggests this will be the case. Our request of the Siting Board and case staff is for you to make every effort to insist that BP properly and fully address each of the impact factors in their scoping statement that they expect their cooperating landowners to wave.

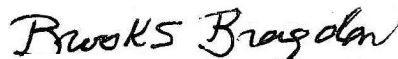
Thank you for continued attention to our concerns.

Respectfully yours,

Urban Hirschey – Town Supervisor



Brooks Bradgon – Deputy Supervisor



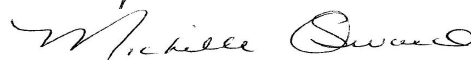
John Byrne – Town Council



Clifford Schneider – Town Council

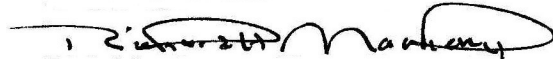


Michelle Oswald – Town Council



**We the undersigned appointed officials from the Town of Cape Vincent endorse and fully support this Town Board letter to the Public Service Commission regarding the Article 10 application for the Cape Vincent Wind Power project proposal.**

Richard Macsherry – Planning Board Chairman



Robert Brown – Planning Board



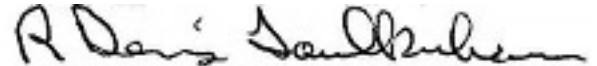
Cyril Cullen – Planning Board



Paul Docteur – Planning Board



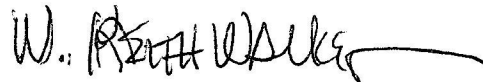
R. Dennis Faulkham – Zoning Board of Appeals Chairman



Ed Hludzinski – Zoning Board of Appeals



Keith Walker – Zoning Board of Appeals



Hester Chase – Zoning Board of Appeals



James Millington – Zoning Enforcement Officer

