

FERRARA, FIORENZA, LARRISON, BARRETT & REITZ, P.C.

ATTORNEYS AND COUNSELORS AT LAW  
5010 CAMPUSWOOD DRIVE  
EAST SYRACUSE, NEW YORK 13057

BENJAMIN J. FERRARA  
NICHOLAS J. FIORENZA  
MARC H. REITZ  
HENRY F. SOBOTA  
SUSAN T. JOHNS  
CRAIG M. ATLAS  
JOSEPH G. SHIELDS  
DONALD E. BUDMEN  
COLLEEN W. HEINRICH  
MILES G. LAWLOR  
MICHAEL L. DODD  
ERIC J. WILSON  
BRIAN J. SMITH

TELEPHONE: (315) 437-7600

FACSIMILE: (315) 437-7744\*  
\*NOT FOR SERVICE OF PROCESS

[jshields@ferrarafirm.com](mailto:jshields@ferrarafirm.com)

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KATHERINE S. GAVETT  
CHRISTOPHER M. MILITELLO  
JOSEPH J. BUFANO  
BRIAN HARTMANN

SENIOR COUNSEL  
DENNIS T. BARRETT  
OF COUNSEL  
DAVID W. LARRISON

April 19, 2013

**Via E-Mail and First Class Mail**

Richard F. Chandler  
Director Development  
BP Wind Energy North America  
700 Louisiana Street Floor 33  
Houston, Texas 77002

**Re: Lyme Central School District Comment on Preliminary Scoping Statement  
Case No. 12-F-0410**

Dear Mr. Chandler:

Our office is general counsel to the Lyme Central School District. Please accept this letter as the District's comment on the Preliminary Scoping Statement submitted by BP for the Cape Vincent Wind Farm Project.

Section 2.27 on pages 171 through 177 of the Preliminary Scoping Statement discusses the potential socioeconomic effects of the proposed wind farm. Page 172 of the PSS provides, in relevant part, "local spending will result in an increased tax revenue for the Towns of Cape Vincent and Lyme, the project will provide revenues to the local communities through property taxes or through payments in lieu of taxes (PILOT) arrangements, increased municipal revenues will benefit the School District's emergency services and essential infrastructure."

Please note the Lyme Central School District Board of Education has passed a resolution opting out of New York RPTL Section 487. Consequently, should BP move forward with the proposed Cape Vincent Wind Farm project, such project would be subject to school taxes. If the company is seeking a PILOT Agreement pursuant to RPTL Section 412-a, the Jefferson County Industrial Development Agency Policy requires the consent of each of the affected taxing jurisdictions including the Lyme Central School District.

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To date, the Lyme Central School District has not consented to any type of PILOT Agreement for your proposed project or any other wind project. The Lyme Central School District is willing to meet with BP and the other affected taxing jurisdictions to discuss terms and conditions of a potential PILOT Agreement. We note that no effort has been made on the part of BP to engage in such negotiations to date.

Should Board President desire to enter into PILOT negotiations with the District and other taxing jurisdictions, the District is amenable to doing so as part of the stipulation process.

Thank you for your courtesies.

Very truly yours,

**FERRARA, FIORENZA, LARRISON, BARRETT & REITZ, P.C.**



Joseph G. Shields

JGS:cam

cc: ~~Karen Donahue, Superintendent of Schools~~  
✓ Hon. Jeffrey Cohen, Acting Secretary, New York State Board on Electric Generation  
Siting and the Environment