

PUBLIC SERVICE COMPANY OF NEW YORK
EXECUTIVE OFFICE
2017 JUN 23 AM 11:04

Request for Intervenor Funds

Instructions: Provide all applicable information by filling in the text boxes as indicated. If necessary, attach additional information in a separate document.

This request is to be submitted either electronically (preferred) or by regular mail.

To submit this request electronically, save your changes and attach it to an e-mail sent to:
secretary@dps.ny.gov

To submit this request by regular mail, print it and mail it to: Secretary,
NYS Board on Electric Generation
Siting and the Environment
3 Empire State Plaza
Albany, NY 12223

Copies must also be submitted to the Presiding Examiner and other parties to the proceeding.

TO THE SECRETARY:

I hereby provide a request for intervenor funds in the following Article 10 case before the NYS Board on Electric Generation Siting and the Environment:

Case Number: 16-F-0267

Title of Case: Application of Deer River Wind for a Certificate of Environmental Compatibility and Public Need pursuant to Article X to construct a wind project located in Lewis County.

Name of Party: Town of Montague

Contact Person: Kurt Riordan, Town Supervisor

Firm Name: Town of Montague

Contact Address: 6353 Salmon River Road
Lowville, New York 13367-2914

Contact Telephone Number: (315) 783-4483

Contact E-mail Address: towncouncil20@gmail.com

Amount of Funds Requested: \$ 3,500

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

The basis of eligibility for intervenor funds is as follows: (Check one)

Eligible Municipal Party [County, city, town or village located in New York State that may be affected by the proposed major electric generating facility]

Eligible Individual Local Party [Person residing in a community who may be individually affected by the proposed major electric generating facility]

Eligible Group Local Party [Persons residing in a community who may be collectively affected by the proposed major electric generating facility]

1(a) Provide a statement of the number of persons the requesting party represents:

The entire population of the Town of Montague, Lewis County, New York

1(b) Provide a statement of the nature of the interests the requesting party represents:

Town of Montague is a municipal entity in which a portion of the project will be constructed. The Town has a keen interest in the development of this project and its impact on the physical environment, scenic character and economic impact on the Town and its residents.

2(a) Provide a statement of the efforts that have been made to obtain funds from other sources:

There are no other funds from other sources available to the Town that the Town is aware of other than taxpayer dollars.

2(b) Provide a statement of the availability of funds from the resources of the requesting party:

The Town of Montague does not have a fund to use for these expenses.

2(c) Provide a statement of the availability of funds from the resources of sources other than the requesting party:

Town of Montague believes there are funds available based upon the notice of availability of preapplication intervenor funds for this project issued November 18, 2016 for this project.

3(a) Indicate the type of funds being sought: (Check one)

PreApplication Stage Funds [Generally available upon the filing by the Project Applicant of a Preliminary Scoping Statement (PSS)]

Application Stage Funds [Generally available upon the filing by the Project Applicant of an Article 10 Application]

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

3(b) State the amount of funds being sought:

\$ 1,000 for attorney.
\$ 2,500 for share of engineering review and supply through PSS phase.

4(a) If expert witnesses, consultants, attorneys, or others are to be employed, provide to the extent possible, the name and qualifications of each person to be employed:

The Town of Montague intends to employ the services of attorneys to assist in understanding the process involved under Article X and the services of an engineer to help the Town assess environmental and other impacts that will need to be addressed in the pre-application process. The attorney to be employed is Mark G. Gebo of the firm of Hrabchak & Gebo, P.C., 120 Washington Street, Suite 500-A, Watertown, New York 13601. Mr. Gebo has been general counsel for the Town of Montague. He has substantial familiarity with wind projects through his representation of the Towns of Harrisburg and Martinsburg in the construction of the Maple Ridge Wind Project (195 towers), Town of Martinsburg on the Roaring Brook Project (80 megawatts), Town of Denmark on the Copenhagen Wind Project (80 megawatts) and representing the Town of Lyme in Jefferson County, New York, with respect to a wind project in the Town of Cape Vincent.

The Town of Montague would use funds to pay for Bernier Carr, Kris Dimmick, P.E., PWLF, see resume attached. Bernier Carr & Associates has more than four decades of service in New York State. Established in Watertown, New York in 1973, the firm provides planning, design, and construction supervision services to municipalities throughout the North Country. Bernier, Carr & Associates employs licensed professionals with the necessary credentials to provide professional services in the following key disciplines:

- Architectural
- Civil Engineering
- Mechanical Engineering
- Electrical Engineering
- Plumbing Engineering
- Structural Engineering
- Historic Preservation
- Building Information Modeling
- LEED Project Design and Administration
- Building Code Enforcement
- Haz Mat Abatement Design
- Land Surveying
- Construction Management

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 4(b) If expert witnesses, consultants, attorneys, or others are to be employed and it is not possible to provide the name of each person to be employed, provide for each person that cannot be named a statement of the necessary professional qualifications for the person:

n/a

- 5 Provide, if known, the name of any other interested person or entity who may, or is intending to, employ any such expert witnesses, consultants, attorneys, or others:

Bemler, Carr & Associates is providing services jointly to the Towns of Harrisburg, Montague and Pinckney.

Hrabchak & Gebo, P.C. is providing services jointly to both the Town of Harrisburg and the Town of Montague.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

6(a) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed statement of the services to be provided:

Attorneys will provide help in understanding process and procedure of Article X and provide legal assistance in the environmental review process and compliance with environmental rules and regulations. Engineers will analyze impacts of specific aspects of the project on the physical environment, visual impacts, impacts on historic features of the Town, noise, safety, impact on roads and assist the Town in providing input on the same.

For Bernier Carr & Associates areas of local concern include:

Groundwater / Well Impacts

Land Use Impacts

Wildlife Impacts

Cultural Impacts

Noise Impacts

Visual Impacts

Public Health

Economic Impacts

Utility Impacts

Transportation / Road Impacts

Analysis of Project Proposal and Identify any differences with Local Zoning

- Attend PSC conferences and hearings as requested
- Advise / update Town Board

6(b) For all expert witnesses, consultants, attorneys, or others to be employed, provide a detailed basis for the fees requested, including hourly fee, wage rate, and expenses:

Attorney, Mark G. Gebo, shall bill the Town at an hourly rate of \$140.00 per hour. Where it is possible to use paralegals, it shall be at an hourly rate of \$60.00 per hour. Any actual out of pocket expenses will be billed on a pass through basis without markup with mileage being reimbursed at \$0.40 per mile. Bills will be rendered on a monthly basis on or about the first of each month with payment expected within thirty (30) days.

For engineers:

Kris D. Dimmick, P.E., PWLF, Principal-in-Charge	40 hr. @ \$165/hr. = \$ 6,600
Civil Engineer (P.E.)	20 hr. @ 120/hr. = \$ 2,400
Civil Engineer (EIT)	10 hr. @ 100/hr. = \$ 1,000
Expense allowance to cover mileage to site and attend meetings, not to exceed \$ 500	
	Total: \$ 10,500

Invoicing to be based on actual staff and hours needed.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 6(c) For all expert witnesses, consultants, attorneys, or others to be employed during the Pre-Application Stage, provide a detailed statement specifying how such services and expenses will make an effective contribution to review of the Preliminary Scoping Statement and the development of an adequate scope of appropriate studies for the application to be submitted and thereby provide early and effective public involvement:

Legal services to be provided will enable the community to understand the process and be effectively able to participate in that process. Engineering services to be provided will enable us to understand the full nature and extent of the impacts of the project upon the natural environment within the Township.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 6(d) For all expert witnesses, consultants, attorneys, or others to be employed during the Application Stage, provide a detailed statement specifying how such services and expenses will contribute to the compilation of a complete record as to the appropriateness of the site and facility and will facilitate broad participation in the proceeding.

Use of attorneys will assist the Town in understanding process and procedure of Article X and enable the Town to adequately participate in each stage of the proceedings. The attorney will assist in the preparation of forms and other documents for submission and presentation of positions with respect to various issues that may occur during the Article X process. The engineers will provide a scientific or engineering background for understanding the various impacts of the project to assure the project is environmentally consistent and symbiotic with the Town and to prevent other long term impacts on the Town from the project. Bernier, Carr & Associates has experience assisting Planning Boards to interpret the complex issues of a wind generation project and develop their understanding of what the project will look like and how it may impact the Town.

The participation of the engineers and attorneys will provide the Town with technical and procedural background to participate and provide intelligent comments and to understand the application and its potential impacts.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

7(a) For any study to be performed, a description of the purpose of the study:

No study is anticipated at this time.

7(b) For any study to be performed, a description of the methodology and a statement of the rationale supporting the methodology:

n/a

7(c) For any study to be performed pursuant to any proposed methodology that is new or original, explaining why pre-existing methodologies are insufficient or inappropriate:

n/a

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

- 7(d) For any study to be performed, provide a description of the timing for completion of the study and a statement of the rationale supporting the timing proposed:

n/a

- 8(a) For any study to be performed, a statement as to the result of any effort made to encourage the applicant to perform the proposed studies or evaluations and the reason it is believed that an independent study is necessary:

n/a

- 9 For all expert witnesses, consultants, attorneys, or others to be employed, provide a copy of any contract or agreement or proposed contract or agreement with each such expert witness, consultant, attorney, or other person.

IF NECESSARY, ATTACH ADDITIONAL INFORMATION IN A SEPARATE DOCUMENT.

10 Provide a statement of any additional justification for the funding request not already addressed above:

n/a

LEGAL SERVICES AGREEMENT

This agreement made this _____ day of _____ 2017,

between the **TOWN OF MONTAGUE** 6353 Salmon River Road, Lowville, New York 13367; hereinafter referred to as "Town", and HRABCHAK & GEBO, P.C., attorneys at law, 120 Washington Street, Suite 500A, Watertown, New York 13601, hereinafter referred to as "Attorney".

WHEREAS, a certain project known as the Deer River Wind Project is proposed to be partially located within for the Town of Montague, County of Lewis, State of New York,

WHEREAS, the Attorney agrees to perform all legal services necessary to allow the Town to complete its review of such project and all other customary legal services necessary to participate in the review of the project by the Public Service Commissioner;

WITNESSETH:

That for and in consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

SECTION A . LEGAL SERVICES

That the Attorney will perform such services as are necessary to accomplish the above recited objectives including, but not limited to, the following:

1. Preparation of all resolutions, notices or other documents necessary to allow the Town to participate in the review of the project.

2. Furnish advice and assistance to the governing body of the Town in connection with (a) the notice for and conduct of meeting; (b) the preparation of minutes of meetings; (c) the preparation and enactment of such resolutions as may be necessary in connection with the review of the project, including in the Public Service Commissioner's review of the project.
3. Attendance at meetings and conferences as directed.

That the Attorney will perform such services as are necessary to accomplish the above recited objectives.

SECTION B . COMPENSATION

1. Owners will pay to the Attorney for professional services rendered in accordance herewith, fees as follows:

Fees to be based on hourly charges at \$140.00 per hour for attorney's time and \$60.00 for legal assistants, plus actual out of pocket expenses.

Said fees to be payable in the following manner and at the following times:

To be billed monthly; payment within thirty days of rendering a bill.

SECTION C . OTHER PROVISIONS

1. That the Town shall by appropriate resolution, adopt and ratify this Agreement.

HRABCHAK & GEBO, P.C.

By: _____
Mark G. Gebo, Esq.

TOWN OF MONTAGUE

By: _____
Kurt Riordan, Supervisor