

STATE OF NEW YORK

DEPARTMENT OF PUBLIC SERVICE

PUBLIC STATEMENT HEARING

September 14, 2011

CASE 11-E-0351 - Petition of Stony Creek Energy LLC for a Certificate of Public Convenience and Necessity, to Establish Lightened Regulation and for Approval of Debt Financing.

PRESENTER: MICHELLE L. PHILLIPS,
Administrative Law Judge
Hearings & Alternative Dispute Resolution

HELD AT: Wyoming County Department of Social Services
466 North Main Street, Conference Room D
Warsaw, New York

REPORTED BY: RHODA COLLINS, Court Reporter

Edith E. Forbes
Court Reporting Services
(585) 343-8612

1 ALJ PHILLIPS: Good afternoon. My name is
2 Michelle Phillips, I'm an Administrative Law Judge
3 who's been assigned to conduct a public statement
4 hearing.

5 The purpose of this hearing is to accept
6 public comments on issues pending in Case
7 Number 11-E-0351. This case was initiated in
8 response to a petition filed by Stony Creek Energy,
9 LLP, on July 5th with the New York State Public
10 Service Commission.

11 Stony Creek seeks the Commission's approval to
12 construct and operate a wind generating facility in
13 Orangeville, New York. As proposed, the wind
14 facility would have 59 wind turbines within 7,600
15 acres in the Town of Orangeville. Construction of
16 the facility would also include the construction of
17 service roads and electricity collection facility
18 substations and an operations and maintenance
19 building.

20 Stony Creek is also asking for the application
21 of a lightened regulatory regime that would apply
22 to its sale of the electricity produced at the site
23 and approval of debt financing. They have to do
24 this pursuant to Public Service Law 68 and 69,
25 which requires prior Commission approval.

1 The Commission ultimately may adopt or reject
2 the petition in whole or in part or it might adopt
3 changes not proposed by Stony Creek. Notice of
4 these hearings was issued on August 18th, 2011, and
5 was published twice by the applicant in the local
6 Penny Saver. In order to provide additional
7 information about the petition, a fact sheet was
8 prepared by Department of Public Service staff and
9 that has been made available on the Commission's
10 web page and it's also available at the table that
11 was just out front of this room.

12 The process for today's hearing is pretty
13 simple. If you wish to comment, please fill out a
14 card and I will call you up using that card in the
15 order that the cards were filled out, generally.

16 A Court Reporter is here to transcribe your
17 statements, so please speak clearly. Also, I would
18 ask if you have any cell phones, beepers or any
19 electronic devices that make noise, if you could
20 please silence them. And, if you have to take or
21 receive a phone call I just request that you leave
22 the room to do so. It can be very disrupting when
23 people make or take phone calls in the middle of
24 the hearing.

25 The other thing I would ask is that you try to

1 be courteous to all of the speakers regardless of
2 what their comments are. We are here for everyone
3 and it just helps if everyone is courteous whether
4 you agree with the comments that are being made or
5 not.

6 This hearing is scheduled for at least an
7 hour. Right now, I think I have about 12 cards, so
8 we probably have plenty of time to get to all of
9 the comments.

10 Are there any questions about the process that
11 we are following today?

12 (No verbal response.)

13 ALJ PHILLIPS: When I call you up, I ask that
14 you come to the podium and use the mike. It's a
15 little bit sensitive, so I just sat it here
16 (indicating). I think you can clip it to you, but
17 it just sounded like it would be a lot of feedback
18 if you did that.

19 The first speaker is Rick Slowinski.

20 RICK SLOWINSKI: My name is Rick Slowinski. I
21 am right now, living next to a wind turbine cluster
22 operated by Invenergy, LLC. The past two years
23 have been complete hell, to be honest with you.
24 Several nights we can't sleep. I have video of a
25 glass of water against my wall vibrating.

1 Invenergy is well aware of the situation. Our
2 Town Board is well aware of the situation. The
3 Town of Sheldon took it upon themselves to write a
4 law that is from Sheriff Hyman (phonetic), who was
5 at my house, "unenforceable." So I just want you
6 folks in Orangeville to get to the bottom of it
7 before you sign anything. There are no other
8 counties that let this noise at the levels it's
9 continuing after 11:00 at night. Darien Lake makes
10 you shut the concerts down at 11:00; Buffalo
11 International Airport doesn't fly planes in and out
12 after 11:00 unless it's an emergency.

13 I'm just telling you folks to watch what you
14 do and I'm asking the PSC -- I have a formal
15 complaint with them, so they know my case and
16 everything else -- but I am just asking them to, by
17 all means, when they grant the monies for this
18 project to put some money in escrow for you people
19 in Orangeville that are going to be like me and
20 Laurie.

21 There is no place for me to sleep. We spent
22 our life savings on sound testing and lawyers and
23 nobody, nobody, will help you. I just want you to
24 be very clear. Watch it. When Eric Miller stood
25 in my home trying to get me to sign a contract and

1 told me: We don't care where you put it or we
2 don't care what you sign, we will put it wherever
3 we want. Was the day we stopped dealing with
4 Invenergy. I have everything recorded and
5 documented if anybody would like to contact me.

6 I live in Sheldon, New York, my name is
7 Richard Slowinski and we are in the book. Thank
8 you for your time.

9 ALJ PHILLIPS: Thank you for your comments.
10 The next speaker is Reo Rood.

11 REO ROOD: Yes, my name is Reo Rood. I own a
12 small airport, grass airport, right on the border
13 between Orangeville and mostly, primarily Warsaw.

14 I just have one question for the Town of
15 Orangeville and the energy company itself. I'd
16 like to know if they filed a government form 746-1,
17 which is a required document for tall structures.
18 And, if they did, I'd like to know how they can
19 justify putting a lot of wind turbine towers as
20 close to my runway as they plan to do. They made
21 the statement that the distance doesn't make a
22 difference, but the FAA says differently, so I'd
23 just like to have that question answered.

24 According to the rules, the way I read them,
25 the closest towers that tall, the closest they

1 could be to the west end of my runway is
2 3.78 miles. They intend to put them about a mile
3 and a half. So it will -- if they do that it will
4 make my airport unsafe and really unusable. Okay.

5 ALJ PHILLIPS: Thank you for your comments.

6 The next speaker is Paul Jensen.

7 PAUL JENSEN: Well, first I'd like to speak
8 about the notification. The Public Service
9 Commission has detailed instructions as to how the
10 hearings are to be posted for public notification.
11 The postings were posted in the Warsaw Penny Saver,
12 but the Warsaw Penny Saver is only circulated to
13 the eastern section of Orangeville. The Attica
14 Penny Saver services the western portion of
15 Orangeville and had no such postings. The
16 instructions clearly state it should be published
17 in all effected areas of the proposed facility and
18 this clearly was not done.

19 On July 6th, 2011, the FEIS was finalized and
20 the start of the ten-day comment period. The FEIS
21 was available to the public on July 8th at the
22 Attica-Warsaw libraries, as well as online. Both
23 libraries didn't get their copies until July 11th
24 and the two copies did not match. Even though the
25 ten-day comment period had already started on

1 July 6th, 2011, the FEIS at the libraries had
2 several sections that were missing with the
3 following page inserted: Available at Town Hall.
4 The Orangeville Town Hall only had Tuesday,
5 July 12th, as the only time available and this was
6 the sixth day of the ten-day comment period.

7 The online version posted July 8th, 2011 was
8 modified several times and, as of August 10th, was
9 two and a half times the size as it was on
10 July 8th, when originally posted. The FEIS was
11 changed as well in the ten-day comment period when
12 the request for comment extension was denied.

13 At the August Orangeville Town Board meeting,
14 I asked Supervisor May when the complete FEIS would
15 be available online, as it was modified several
16 times, and when the library copies will be brought
17 up to date. The Supervisor May referred the
18 question to the Town Attorney, David DiMatteo, who
19 said the FEIS was never changed and the only
20 official copy is online. The library copies are
21 only courtesy copies contrary to what Mr. DiMatteo
22 stated on July 6th at the meeting adopted the FEIS.

23 It is my recommendation that the application
24 for certificate of public convenience necessity to
25 establish enlightened regulation and debt financing

1 should be denied due to incomplete, inaccurate
2 submissions to the public and the Public Service
3 Commission.

4 ALJ PHILLIPS: Thank you for your comments.
5 The next speaker is Mary Dickinson.

6 MARY DICKINSON: In regards to the Stony Creek
7 143-page request for reduced regulations, I
8 strongly oppose the petition to establish lightened
9 regulations and petition for approval of debt
10 financing.

11 Orangeville is a moderately populated town,
12 six-miles square, inhabited year round by outdoor
13 enthusiasts. Stony Creek, a/k/a Invenergy, LLC,
14 intends to install 59 industrial wind turbines
15 within the tiny six-mile square town, a project
16 that has never been done before. Stony Creek a/k/a
17 Invenergy, LLC, intends to use the residents of
18 Orangeville as guinea pigs regarding noise, shadow
19 flicker and property value situations.

20 The original project called for a GE 1.5
21 megawatt wind energy diversion device. The project
22 now before us is a GE 1.6-100 device that has
23 blades 28 feet longer than the GE 1.5 megawatt
24 model. These longer blades are in hopes of
25 capturing wind at lower speeds and also higher

1 speed. According to computer predictions, these
2 new and improved wind turbines will be quieter.

3 It is my understanding that two different
4 sound studies were done in the Town of Orangeville,
5 each coming up with a different level of ambient
6 noise. Rick James (phonetic) at Acoustic Solutions
7 reports 25-30 dBA's while Invenergy's study reports
8 44-48 dBA's. This discrepancy is unacceptable and
9 should not be tolerated. A new sound study should
10 be done by a third party, agreed upon by both
11 Invenergy, LLC, and Rick James. It affects the
12 people of Orangeville and until it is done the
13 entire project should be put on hold.

14 Regarding property values, if Invenergy, LLC,
15 was positive that the property values would not
16 decrease in the project area, then they would
17 confidently and cheerfully enact a property
18 protection plan for all interested property owners.
19 A large scale project in a small scale town has no
20 business asking for lightened regulations and
21 approval of debt financing without satisfying
22 residents' concerns. Thank you.

23 ALJ PHILLIPS: Thank you.

24 The next speaker is Valary Sahrle.

25 VALARY SAHRLE: Thank you for letting me speak

1 and thank you for listening to the people of
2 Orangeville that will be most affected by the Stony
3 Creek wind project if the project is approved.

4 There is not just one issue that causes
5 industrial wind turbines to be a big concern within
6 a community. The cumulative effects of noise,
7 flicker, environmental impact, unhealthy financial
8 stability of the wind company and the historical
9 lack of response of the wind companies to address
10 issues of property owners is the main reason why
11 industrial turbines are a problem.

12 The case studies about wind turbine syndrome,
13 the complaints from the residents near the turbines
14 and the proponents for Clear Skies Over Orangeville
15 recognize that the combined negative impact from
16 the industrial wind turbine project will never
17 fully be addressed because of the physical weakness
18 of the wind turbine companies to do anything about
19 these concerns.

20 If it is for these reasons the combined effect
21 of all negative impact of the industrial wind
22 turbine that these projects cannot meet with
23 satisfaction of basic rights of health, wealth and
24 the safety of the local community. After
25 researching industrial wind turbines for six and a

1 half years, I am convinced by the evidence that no
2 one should be subjected to the effects of wind
3 turbine syndrome.

4 I ask you to put yourself and your family in a
5 situation where you have your health and your home,
6 your life's investment, destroyed because you could
7 not exist living with the side effects of
8 industrial wind turbines syndrome.

9 I submit Nina Pierpont's book "Wind Turbine
10 Syndrome" as proof of what some of these residents
11 will have to sacrifice for the profits of others.
12 Please read this book and pass it on to other
13 members on your Board. I am asking the Public
14 Service Commission to read the written proof of
15 Nina Pierpont, "Wind Turbine Syndrome," before
16 making any decisions on this project.

17 I am asking that the Stony Creek wind project
18 not be approved because of a distance of the
19 industrial turbines to non-participating neighbors
20 that may suffer such a great loss.

21 ALJ PHILLIPS: Thank you.

22 The next speaker is Al Vlietstra.

23 AL VLIETSTRA: I live probably six to ten
24 miles away. I am on East Hill, Merchant Road and
25 Oatka Road. I've already moved out of the house.

1 I can only sleep at my daughter's house in Geneseo.
2 I drive to Geneseo every night to get a night's
3 sleep. But it's not just my house, I pick it up
4 from Wyoming all the way to Pike and I don't even
5 want to work in this part of the County anymore
6 because it just gives you such pressure on your
7 head. Every time you bend over it's like you've
8 got a hangover.

9 There's a lot of distress that way and I got a
10 quarter million dollar house. What am I going to
11 do with it? Who is going to help me out?

12 We do everything we can for the handicap, make
13 perfect handicap ramps and all that stuff and you
14 can't do anything without a permit, but it's
15 perfectly all right to nuke us all with cell towers
16 and put these turbines up that blast us out of our
17 home and county. Thank you.

18 ALJ. PHILLIPS: Thank you for your comments.

19 Next speaker is Steve Moultrup.

20 STEVE MOULTRUP: Thank you for the opportunity
21 to comment on the application submitted to the
22 Public Service Commission by Invenenergy.

23 I have personally served on the Silver Lake
24 Watershed Committee, the Wyoming County Water
25 Committee and currently serve on the Tonawanda

1 Watertershed Committee and I remain committed to
2 protecting clean water as a necessary resource.
3 Wyoming County is primarily agriculture and
4 millions of dollars have been spent over the last
5 20 years by farmers and taxpayers to build manure
6 digesters and manure spreading guidelines.

7 Public agencies, both State and County,
8 provide professional oversight to the farming
9 community to protect us from agriculture
10 contamination. This level of protection is noted
11 above and the necessary authority to preserve the
12 quality of drinking water of the two primary water
13 sources in the Town of Orangeville, the Attica
14 Reservoir and the public water supply for Varysburg
15 are not in place.

16 These water resources do not have the same
17 level of protection from industrial development
18 that has been put in place to protect our water
19 from agricultural contamination. The United States
20 Fish and Wildlife Service commented on the FEIS
21 that it does not adequately describe these
22 resources and there is no mention of water quality,
23 etc.

24 The comment on the FEIS was simply because the
25 project impacts to the streams are limited, a

1 detailed evaluation of stream water quality -- are
2 not warranted. It should be noted that the water
3 from the Tonawanda Creek is used by the City of
4 Batavia and the Attica Reservoir is used by the
5 Villages of Attica and Alexander and also the
6 Attica State Prison. They are very concerned about
7 water quality.

8 The Village of Attica owns the Reservoir and
9 enacted necessary measures to protect their water
10 supply, but this is very limited in scope. For
11 example, the Village limits public use -- fishing,
12 boating, etc. -- by permit only. They have no
13 jurisdiction over the approximately 900 acres of
14 watershed located in the Town of Orangeville.

15 The Wyoming County Health Department provides
16 guidance and oversight for public water, but this
17 is limited to the testing of treated water both at
18 Attica and Varysburg. The last wellhead study in
19 Wyoming County was done in the 1990's and has not
20 been brought up to date. A current map showing all
21 wellheads from the Stony Creek project area doesn't
22 exist, so it is unknown how many wells are actually
23 at risk.

24 In regards to the Attica Reservoir, the
25 Village of Attica and the residents of Attica would

1 like their water supply protected. The Village of
2 Attica wrote at least two letters and met with the
3 Town of Orangeville back in 2010 during the DEIS
4 review period. The map and the FEIS actually shows
5 -- the Final Environmental Impact Statement
6 approved in 2011 shows that the project components
7 T7, T14, T20, T21 and T22 were actually moved
8 closer to the Reservoir. Some components such as
9 T20 will be as close as 2,060 feet.

10 The FEIS states that the southern tip of the
11 Reservoir is in the project area, but there are no
12 wind turbines, cables or access roads planned for
13 locations within one half mile or less of the edge
14 of the Reservoir Number 3. However, Table 34
15 preceding this statement in the FEIS shows T20 is
16 2,060 feet from the reservoir.

17 In fact, the FEIS lacks any meaningful
18 evaluation of the potential for spills or of motor
19 oil, as well as transformer oil spills, thus no
20 mitigation measures are proposed. This is
21 extremely important because extreme storms are more
22 common in recent memory, especially for you folks
23 that live downstate.

24 On July 8th, 1998, Orangeville experienced
25 seven inches of rain in 24 hours. Recently, six

1 turbines collapsed that were seriously damaged by a
2 thunderstorm in Wisconsin. Three GE turbines have
3 failed in the U.S., two of these failures occurred
4 in New York State. A total collapse of a wind
5 turbine, while rare, can occur; and, when it does,
6 secondary containment is of no use.

7 Then, I go on to talk about the FEIS and the
8 lack of concern regarding the transformer oil and
9 no secondary containment. The residents of Attica
10 actually hired an engineering firm by the name of
11 Core. They submitted their comments, their take of
12 the DEIS and they were -- you'll find the responses
13 to those comments in the FEIS. The -- then, the
14 citizens in Orangeville retained the service of a
15 Hickory Creek Consulting, LLC, from Redhook, New
16 York. They reviewed the Stony Creek FEIS and the
17 subject of wet lands, storm water management and
18 water resources, in addition to other areas of
19 concern.

20 Upon review of the Stony Creek FEIS; the Town
21 of Orangeville's finding statement; FEIS;
22 appendixes; maps; relevant studies and reports;
23 Hickory Creek found a continuing lack of
24 information necessary to express and evaluate the
25 effective mitigation practices in regards to

1 wetlands, streams, storm water management, water
2 withdrawal and the Attica Reservoir. Important
3 water studies and reports such as well --
4 delineation for the Stony Creek project has never
5 been available to the public for the public's
6 review.

7 The DEIS, the FEIS and the lead agency's
8 finding statement just repeats the potential for
9 indirect impact to the waters at the Attica
10 Reservoir will be mitigated by required practices
11 to manage and control storm water runoff from areas
12 that are directly impacted by project construction
13 and operation.

14 The FEIS does not address potential impacts on
15 the Attica Reservoir, a significant omission in the
16 light of the importance of the Reservoir as a
17 drinking water source and as a habitat for
18 wildlife.

19 Then, Hickory Creek goes on to talk about all
20 those omissions and the FEIS and the environmental
21 impact statement and the fact that there is
22 currently no SWPPP available for public review.

23 The FEIS doesn't describe herbicides and
24 pesticides. It -- upon further review of the FEIS
25 and the lead agency's finding statement,

1 specifically in regards to the bald eagle because,
2 especially the pesticides that they plan on using
3 around the turbines will erode it and raptors eat
4 dead rodents. You will see, then, along the
5 thruway and through 90, and whatever, eating
6 roadkill and things like that. The FEIS doesn't
7 talk about that.

8 The lead agency's findings statement,
9 specifically in regards to the bald eagle and the
10 raptors, cannot be relied on as a sole base of
11 findings under SEQOR and the Town Board's finding
12 statement is inaccurate and deficient. The Town
13 Board of Orangeville determined it's fate in their
14 finding statement that the risk of bald eagles is
15 insignificant and mitigated to the maximum extent
16 practical by compliance with applicable laws and
17 regulated for protected species, including those
18 that are specific to bald eagles. This was
19 approved on August 11th, 2011.

20 I did a summary of what the New York State DEC
21 wrote to the Town of Orangeville on May 20th, 2010.
22 On August 1st, 2011, the U.S. Fish and Wildlife
23 sent a letter to Invenenergy and the Town of
24 Orangeville stating that the risk of -- the bald
25 eagle is moderate and that large number of bald

1 eagle sightings reveal regular activity within the
2 project area. In 2010, the New York State DEC
3 wrote to Orangeville regarding the probability that
4 bald eagles observed at the Reservoir -- they also
5 utilize the Bantam Swamp and the proposed wind
6 turbines -- T7, T8, T20 through T28, located north
7 of Buffalo Road -- will propose collision risk of
8 bald eagles utilizing the area or flying to
9 adjacent Bantam Swamp.

10 The U.S. Fish and Wildlife wrote for the DEIS
11 on April 23rd, 2010, that several studies were
12 done, but they found that a one-day study on the
13 Attica Reservoir, a one-day survey was really not
14 sufficient to locate bald eagles and their habits
15 around the reservoir.

16 In 2010, the project sponsor contracted with
17 an environmental firm to complete an additional
18 survey that wasn't available for the DEIS or really
19 wasn't available for public review. This amounted
20 to an additional 24 hours of study between April
21 and June. The study confirmed the data of the
22 eagle sightings that we had provided to the State
23 and Federal agencies back in 2010 and early 2011.
24 The Sherner (phonetic) study in 2010 was very site
25 specific. Its observation points were in just one

1 area. Eagle sighting date, for example, has been
2 provided to the DEC and the U.S. Fish and Wildlife
3 for the Glor Pond, Cobble Hill and the Tonawanda
4 Valley and all of these areas are used regularly by
5 bald eagles and they were not studied, thus not
6 included in the FEIS.

7 On August 1st, 2011, the U.S. Fish and
8 Wildlife sent a letter strongly recommending that
9 Invenergy submit a permit application a TAKE
10 (phonetic) permit for bald eagles. I further
11 discuss that.

12 As I stated above, I believe the FEIS and the
13 lead agency finding statement is seriously
14 deficient, flawed and inadequate in regards to the
15 bald eagles and raptors. The final environmental
16 impact statement is adequate to support a finding
17 that potential risk to bald eagles and raptors is
18 unacceptable without further avoidance and
19 mitigation measures.

20 Clearly, relocating wind turbine sites that
21 pose a risk of collision with bald eagles is an
22 available avoidance measure that has not been
23 utilized. The same turbine locations that are
24 potentially a danger to the bald eagle are also the
25 turbine sites that are at risk for the Attica water

1 supply. Our water resources need additional
2 protection and study. Our water resources should
3 have at least the same protection as downstate New
4 York City reservoirs.

5 The Wyoming Board of Supervisors recently
6 formed a committee to study and evaluate the water
7 resources throughout Wyoming County. But, to date,
8 no guidelines or added protection have been
9 developed. The absence of complete wetland
10 information for the project site as a whole, as
11 well as the potentially effected areas adjacent to
12 the project site makes it difficult to evaluate
13 spill plans. Without adequate protection and
14 study, the health and safety of the people in both
15 Wyoming and Genesee County will be at risk.

16 ALJ PHILLIPS: Thank you.

17 The next speaker is Nyla Wilkinson.

18 NYLA WILKINSON: My name is Nyla Wilkinson and
19 I live in Orangeville. And, first off, thank you
20 for the opportunity to speak on the matter of the
21 Stony Creek Energy, LLC. I'm a retired veterinary
22 technician and an ex-licensed New York State
23 wildlife rehabilitator, so my concern mainly
24 focuses on the wildlife, their habitat and the
25 people of Orangeville, that's where my main

1 concerns are.

2 Many of the plans cited by Invenergy are
3 contrary to DEC's own guidelines. The DEC has
4 guidelines for conducting bird and bat studies at
5 commercial wind energy projects. And, because of
6 the number of birds that are listed by the New York
7 State as threatened, endangered and/or special
8 concerns have been documented and since the project
9 is between two wildlife concentration areas, such
10 as the Attica Reservoir and Bantam Swamp, expanded
11 pre- and post-studies should be required and
12 additional study is warranted per these guidelines.

13 The FEIS and the finding statement agree that
14 the risk to bald eagles is insignificant and
15 mitigated to the maximum extent practical. But, as
16 Steve commented, the U.S. Fish and Wildlife Service
17 doesn't agree with that. They feel that there is
18 danger to the bald eagle, they recommend a TAKE
19 permit and they recommend updated data that
20 includes 2011.

21 The FEIS states that Stony Creek will provide
22 New York State DEC access to study areas while
23 studies are in progress, but New York State DEC
24 guidelines state that the developer must coordinate
25 with landowners to ensure DEC staff and it's agents

1 have full access to the site over the life of the
2 project.

3 The FEIS states where mortality studies are
4 being conducted, that Stony Creek will maintain
5 vegetation to be 12 inches or less during the
6 search season, unless such practices would cause an
7 unacceptable risk of ground erosion.

8 The New York State DEC guidelines state either
9 mowing and/or brush hogging the search -- each in
10 their entirety to increase their future efficiency
11 and provide a relatively consistent ground cover
12 throughout the study area and between projects.
13 Mowing should take place as often as necessary to
14 maintain vegetation height suitable for seeing
15 small, dark potentially wet carcasses at a distance
16 of 2.5 meters, but Stony Creek does not intend to
17 mow between the projects.

18 And are kept 12 inches low enough? Can you
19 really see a small, dark wet carcass in 12 inches
20 of brush from six feet away.

21 The New York State DEC guidelines also state
22 early notification to and coordination with the
23 landowners holding the study turbines are essential
24 to ensure an agreement can be made that will be
25 satisfactory to all parties. Do we have the

1 insurance that landowners will allow their crops to
2 be restricted to or maintained at 12 inches?

3 The FEIS also states that at each turbine
4 searched, ground searches will be performed within
5 an approximately square area with each side equal
6 to 1.5 times the turbine rotor, diameter and
7 centered around the turbine tower. It goes on to
8 state that the turbines with 100 meter rotor
9 diameter are used, which they are going to be, this
10 will mean the nominal search area will be 492 by
11 492 feet. They say that notably this area is fifty
12 percent greater than the 120 meters by 120 meter
13 area that is suggested in the New York State DEC
14 2000 guidelines that's adequate for most turbines.

15 But the New York State DEC guidelines actually
16 state the area to be searched beneath each turbine
17 should be no less than 1.5 times rotor diameter.
18 The statements from Invenergy of notably 50 percent
19 greater than the DEC guidelines sounds as if it's
20 going above and beyond what is being asked for
21 when, in fact, it barely meets the minimum
22 requirement of 1.5 times 100 meter rotor diameter.
23 Which would be, without rounding it down, 492.13
24 feet by 492.13 feet.

25 The FEIS states Stony Creek will select the

1 wind turbines to research using a variety of
2 factors. But shouldn't the New York State DEC or
3 the U.S. Fish and Wildlife Service determine which
4 turbines should be selected? And although the
5 finding statements suggest studies from 2007 and
6 2008 were considered, plus additional studies on
7 the northern harrier, the bald eagle and forest
8 birds, there seems to be a great lack of concern
9 for protecting species.

10 In just one day, on April 11th, 2011, the
11 Buffalo Ornithological Society annual April account
12 found these threatened birds in Orangeville: The
13 pied-billed grebe, the bald eagle, northern hairier
14 and the common tern. On the same day, special
15 concern species of sharp-shinned hawk, cooper's
16 hawk, red-shouldered hawk and the horned lark were
17 also noted in the same sectors.

18 Notwithstanding as the Deck (phonetic) Law
19 Firm, PC, pointed out that the SEQR process cannot
20 be turned into an open-ended review process. The
21 fact remains that these birds are here and they
22 need to be protected.

23 I can't find anywhere in the DEIS, the FEIS or
24 the finding statement that should a State or a
25 Federally listed species found dead or injured

1 either during a regular survey period or,
2 incidentally. The DEC and U.S Fish and Wildlife
3 respectively, are to be notified within 48 hours
4 for direction on how to proceed with the handling
5 of the animal as recommended by the guidelines. In
6 fact, I don't see where an incidentally found
7 carcass needs to be reported at all.

8 The finding section continues with: Further,
9 because directorial habitat impacts have been
10 minimized by changes of the layout of the wind
11 energy conversion devices, there are no new
12 significant adverse impact to avian species not
13 considered in the DEIS.

14 But the project is different. New, larger,
15 turbines are being used: The blade is longer, thus
16 the rotor diameter is greater, yielding 47 percent
17 increase in the swept area. The extent of habitat
18 fragmentation from the DEIS no longer applies since
19 the infrastructure has evolved. Locations of
20 turbines are different, the collection systems
21 cover many areas, not mentioned in the DEIS and the
22 access roads to the newly placed turbines are, of
23 course, in new areas. This is a different project.

24 I'm also wondering if the Sheldon avian and
25 bat mortality study has been done and released yet.

1 I know there was not one done in 2009. There
2 should have been one done in 2010 and I haven't
3 been able to find those results yet.

4 The statutory maximum sentence for a violation
5 of a migratory bird treaty act is six months in
6 Federal prison and a \$15,000.00 fine. The American
7 Bird Conservancy questions why the wind industry,
8 despite killing more than 400,000 birds annually,
9 has yet to face a single charge.

10 Based on the U.S. Attorney charges for seven
11 oil companies for this violation, the American Bird
12 Conservancy president, George Fenwick says: It's
13 perplexing that similar prosecutions have yet to be
14 brought against the operators of wind farms. Every
15 year wind turbines kill hundreds of thousands of
16 birds, including: Eagles, hawks and song birds.
17 But operators are being allowed to get away with
18 it. It looks like a double standard. My personal
19 guess is that there will be charges coming very
20 quickly.

21 In the FEIS, the New York State DEC suggests:
22 Rather than the lead agency, the New York State DEC
23 and the U.S. Fish and Wildlife are the appropriate
24 parties to consult when making judgments on whether
25 impacts are a significant concern to birds or bats.

1 But, as followed by the response, that the lead
2 agency understands the important role of the
3 Department of Conservation and of the U.S. Fish and
4 Wildlife service regarding potential effects to
5 bird and bats. As lead agency, however, the Town
6 of Orangeville is obligated to make determination
7 regarding significance of potential impacts and
8 appropriate mitigation. Does this mean that the
9 Town Board of Orangeville trumps the U.S. Fish and
10 Wildlife Service and the New York State Department
11 of Environmental Conservation?

12 I'm also deeply concerned about the safety of
13 my family, friends and neighbors from this project.
14 The New York State Department of Public Service
15 recommends a setback of 640 feet from the dominion
16 transmission and corporate gas pipeline due to
17 dangers from lightning strikes and failed grounding
18 components. But the response dismisses this,
19 stating that there have been close setbacks in
20 Sheldon without any problems. So the setbacks of
21 133 foot, 171 foot and 467 feet are here to stay.

22 So is this a condition where two wrongs
23 actually make a right and will this be mitigated
24 only after someone is injured or killed?

25 The wind farm in Sheldon uses warning signs

1 placed 1000 feet away from turbines. The signs
2 state: Caution. Private Property. Authorized
3 Personnel Only. Proper personal protective
4 equipment is required at all times. These turbines
5 are smaller than the ones proposed for Orangeville.
6 Shouldn't that in itself prove that the turbines
7 can be unsafe?

8 Ice shedding is another major concern. The
9 manufacturers of the turbines recommend a setback
10 distance of 1.5 times the height of the rotor
11 diameter. This would be 885 feet. Stony Creek is
12 pursuing a variance for the setback on Bantam Road
13 for 150 feet; the Zoning Board appeal is asking for
14 200. Either way, the distance is not acceptable.

15 The American Wind Energy Siting handbook
16 confirms that the turbine rotors are liable to
17 accrete heavier quantities of ice than stationary
18 components. It's also observed that the rotor ice
19 can break off and if the rotor is moving, be cast
20 some distance. Yet, T28 is well underneath the
21 turbine manufacturer's setback, in fact, the
22 minimum GE setback for icing recommendations for
23 public roads has not been followed at all and I
24 wonder if GE would actually even approve this
25 project.

1 Health issues regarding the bat population
2 decline should also be a great concern. An
3 increase in mosquito population leading to an
4 increase in West Nile Virus from bat population
5 decline was dismissed in the FEIS siting a 1998
6 taper, surmising that bats have little to no impact
7 on mosquito control. But contrary to this, the
8 2009 study in Journal of Medical Entomology
9 suggests the impact of bats on pathogen
10 transmission may be large and warrants more further
11 scientific investigation.

12 Bat Conservation International's finding
13 credit bats with mosquito control too stating: We
14 hope our results stimulate other researchers to
15 creatively tackle the question of bat's role in
16 controlling mosquitos and reducing disease
17 transmission by them. Just as importantly, we hope
18 that our work gives new power to the argument that
19 bats are essential allies in controlling pests and
20 maintaining healthy ecosystem.

21 I go on to talk about health issues. In the
22 August 2011 Bulletin of Science Technology there
23 are nine articles dealing with wind energy and
24 their health effects. They state things such as:
25 There's overwhelming evidence that wind turbines

1 cause serious health problems in nearby residents,
2 while adverse health effects are severe enough that
3 a significant number of families have abandoned
4 their homes. The loss of social justice has caused
5 additional grief and distress. There's just . . .
6 There's just so many issues that need to be talked
7 about.

8 In conclusion, the Public Service Commission's
9 website motto is: Working to guarantee safe,
10 secure and reliable access to energy,
11 telecommunications and water services for New York
12 citizens and businesses. This issue is about
13 energy and it's about wind energy. It should be
14 obvious that wind energy is not as safe and secure
15 as Invenergy would like us to believe and it's
16 definitely not reliable. Wind energy can only be
17 collected when the wind blows at certain speeds.
18 The turbines in nearby towns often stand idle and,
19 as such, no electricity is being produced.

20 No one can rely solely on wind energy and
21 expect to have electricity 24-hours a day.

22 Thank you for the opportunity to voice my
23 concerns. I understand that many of these issues
24 are outside the scope of the Public Service
25 Commission, but I hope you'll take into

1 consideration all of these issues before making
2 your decision to grant or deny Stony Creek's
3 request. Thank you.

4 ALJ PHILLIPS: Thank you.

5 Ted Wilkinson.

6 TED WILKINSON: Thank you. I support green
7 energy when it is done properly, correctly and in
8 the right location, but you should not squeeze a
9 noisy, shadow flickering, 450-foot turbine,
10 electronic interfering project into a community.

11 Manufacturers, they won't give us their
12 manufacturer's recommendation. We've asked for it
13 over and over and they say it is private
14 information. Even a lawnmower, it's required to
15 give out safety recommendations. Anything should;
16 that's a double standard. They should put it on
17 there. The setbacks are a big safety concern and
18 I'd like to know what the manufacturer does
19 recommend for it, because these setbacks are very
20 close to us.

21 I live in Orangeville, I live on Orangeville
22 Center Road in Centerline. That's the center of
23 the town, geographic center of the town. I will be
24 able to see 59 turbines from my property. I have
25 75 acres of beautiful property. I can see

1 sunrises. Obviously, I'm going to lose all of my
2 peace, quiet, tranquility, what I've worked for all
3 my life to have. I'll receive noise effects,
4 shadow flicker, electronic interference. All four
5 -- no matter where I look, that's all I'm going to
6 see.

7 Well, I have 1908 Feet of road frontage on
8 Centerline Road. It would be unsalable since --
9 it's a two-acre plot you can put a house. So I can
10 sell off my lots, but the turbine setback says that
11 you can reverse it. You can build a house close to
12 turbines, but you can't build a turbine close to a
13 house. Now, that -- there's no logic in that. Why
14 -- for safety reasons they can't put the turbine
15 close to a house, well, then, how am I going to
16 sell my property when it comes through and it's
17 less distance than that because there is not a
18 house there now? So who's going to want to buy
19 these lots as property from me?

20 And here's my point I'm getting to pretty
21 close is that there's been numerous concerns about
22 property depreciation that has been raised, the
23 evidence has been submitted and it has been
24 ignored, such as McCain Appraisal, LLC, with a
25 study on the impact of wind power projects on

1 residential property values in the United States.
2 This points out that the values that wind companies
3 use to try to prove otherwise using values within a
4 five or more mile radius of a wind energy
5 conversion plan. Obviously, the farther away from
6 the problem, the less impact, the less it counts.
7 My home, and others in Orangeville will be smack
8 dab in the middle of this industrial plant and they
9 won't be several miles away.

10 Countless requests for a property value
11 guarantee plan have been put forth to the project
12 sponsor to cover it. They say that there will be
13 no substantial decreases, no value. The American
14 Wind Energy Siting handbook on February 2008, it
15 discusses the issue in Section 5.7.22 property
16 values: Many variables can effect property values
17 in the vicinity of a wind farm and these must be
18 reviewed on a case-by-case basis.

19 Typically, wind farms do not impact properties
20 in a uniform manner and the circumstance of each
21 development can be different. Developers should
22 work with individual landowners to discuss
23 mitigation measures, if any, to protect property
24 values and preserve integrity of the property.

25 Public outcry is a key component in addressing

1 and mitigating any impact of social economic
2 resources. They review -- so I guess what I'm
3 saying: On one hand, this project is saying it
4 won't affect the value of our property; but, on the
5 other hand, they are saying: No way are they going
6 to back that statement up with property value
7 protection plan.

8 So which is it? Why don't they put up this
9 little property value for us? And I just have to
10 say that this project is making a mockery of our
11 right to the pursuit of happiness. Thank you.

12 ALJ PHILLIPS: Thank you for your comments.

13 Next speaker is John Knab.

14 JOHN KNAB: Thank you for the opportunity to
15 address you. I have been involved in a wind
16 project, I'm the supervisor of the Town of Sheldon.
17 Before Invenergy came to us, we were paving about
18 one mile of road a year and stone and oil, two or
19 three miles. Last year we paved seven miles of
20 road; this year we paved two miles of road; the
21 year before we paved two miles of road and we have
22 no town taxes. It's all picked up by money from
23 the wind project. It's improved the economy of our
24 Town considerably.

25 As far as property values, both the realtors

1 in Arcade and East Aurora area advertise: Sheldon,
2 no Town taxes; and it's helped. We've had a number
3 of places change hands and asked the people why and
4 they said: Well, no Town taxes sure has helped a
5 lot. Real favorable when we were looking at the
6 property.

7 As far as wildlife, I know, myself, we are not
8 too far from a wind turbine and there is deer
9 around underneath them and you see cattle laying
10 under the turbines or grazing or just laying there
11 resting. And I have had a couple of people come
12 into the town hall in the last month said they have
13 sighted a bald eagle not too far from one of the
14 wind turbines, it's nesting now. It hasn't, you
15 know, changed the habitat of wildlife at all.

16 But it has improved the life of residents in
17 our town. Before the turbines came we had about a
18 \$700,000.00 budget. This year our budget is
19 \$1.1 million and still no Town tax and I don't
20 anticipate any tax for next year either. We went
21 four years with no Town tax. It's been a great
22 benefit to the people of the Town of Sheldon.

23 Also, this year we've -- 2009, we bought a new
24 Peterbilt snowplow truck for \$184,000.00, paid cash
25 for that. This year we bought another new

1 Peterbilt for \$209,000.00 and we paid cash for
2 that. We built an addition on our Town Hall -- or
3 highway garage that's 50 by 70. The contract came
4 in at \$110,500.00 and we were able to pay cash for
5 that. The Town has no Town debt and has no had
6 debt in a number of years, but the wind project has
7 been great for the Town of Sheldon.

8 We've had new homes being built and we have
9 two people that have done a lot of complaining
10 about different aspects to the wind turbines --

11 RICK SLOWINSKI: Have you helped them?

12 JOHN KNAB: We have no --

13 RICK SLOWINSKI: It's strictly up to
14 Invenergy?

15 JOHN KNAB: But I think, probably, both these
16 parcels if they had turbines on their land would
17 have been satisfied. But it's -- as far as I'm
18 concerned, the turbines have been probably the
19 greatest things that came to Sheldon and happen to
20 Sheldon.

21 Everybody said they wanted a referendum on it,
22 they had the windmill people here, we went through
23 three elections, had the anti-windmill people run
24 against me and I was victorious in all three
25 elections, so I feel that that was as much of a

1 referendum as having a referendum -- the State
2 dictates that you can not have a referendum on the
3 decision on windmills, it's up to the Town Board
4 decision and they have the final say on the wind
5 project.

6 My wife and I toured quite a few projects
7 before and during the time that we were going
8 through the same process that Orangeville is. One
9 was up in Madison County. We went down this road
10 and originally it was a seasonal road, hedgerows on
11 both sides of it. The wind developer came in there
12 and they widened out the road 30/40 feet, paved it.
13 Now, there's been two or three homes built on it.

14 And this last time we were there, there was a
15 new home about 300 feet from the base of a turbine
16 and I stopped and a lady was out hanging up clothes
17 and I asked her, I said: You know, why did they
18 build the turbine so close to your house? And she
19 said: Oh, no, we built the house here after the
20 turbine. We love it here. My wife asked her:
21 Does it affect your lifestyle or your living? And
22 she said: No. Every morning during the summer we
23 go out and have coffee on the back deck, within
24 less than 300 foot from the turbine.

25 They said, you know, at first it will take a

1 little getting used to. It's something different,
2 but after, now, they have been up in Sheldon and
3 operating since March of 2009 and you drive by and
4 you don't even think about it, you don't even pay
5 attention to them. I look -- I can see two from my
6 house, from my kitchen window and every morning
7 that's the first thing I do, look to see if the
8 turbines are turning. Normally, they generally are
9 in the morning.

10 It's, you know -- but, as far as financial,
11 it's been great for the Town of Sheldon. It's --
12 when the first checks came to the landowners, there
13 was eight or nine farmers bought new pickups; we
14 issued a lot of permits for tool sheds or storage
15 buildings from the money to increase the value.
16 The assessed value of the Town has gone up
17 considerably. It's been real great for the fire
18 department because they still assess the turbines
19 or -- and they collect taxes for the fire
20 department and it takes the burden off the
21 taxpayers to support the fire department.

22 I know one fire department in particular,
23 their rate was about a dollar to a thousand and
24 once the turbines came in their rate dropped to
25 20 cents a thousand. And, so I guess of that's all

1 I got, but I appreciate the opportunity to speak.
2 Thank you.

3 ALJ PHILLIPS: Thank you. Just before we
4 continue, I just want to note: Usually we don't
5 ask questions of people.

6 RICK SLOWINSKI: I'm sorry. He is a Town
7 Supervisor.

8 ALJ PHILLIPS: I know, but it can be a little
9 bit disruptive and I don't know that you would like
10 him to ask you questions when you are up there.

11 That's kind of the comment that I have about
12 trying to respect one another's viewpoints, even if
13 you don't agree with him, so I just wanted to make
14 that quick reminder.

15 The next speaker is Judi Hall.

16 JUDI HALL: I'm not very good at speaking off
17 the cuff, so I apologize to everybody.

18 I'm -- my name is Judi Hall and I'm from
19 Cohocton Wind Watch and we file regularly with the
20 Public Service Commission and Perk in these -- when
21 wind developers across the state are asking for
22 expedited proceedings and generally there's not
23 much response from either commission. And I'm
24 wondering if this is, like, a sort, the start of
25 Article 10 already, since the Commission will be

1 assigned one of the big roles in Article 10,
2 because I have never heard of a public hearing
3 having to do with a request for expedition for
4 lightened regulations before. We certainly didn't
5 get one and we had requested one in Cohocton.

6 ALJ PHILLIPS: I don't want to interrupt you,
7 did you want me at this point to respond?

8 JUDI HALL: No. I realize you probably don't
9 answer questions.

10 ALJ PHILLIPS: But I can clarify. I said at
11 the beginning that we're doing this pursuant to
12 Section 68 and 69, not pursuant to any other
13 Article 10. And I don't believe there's been a
14 request for an expedited proceeding in this
15 particular proceeding. I'm getting confirmation on
16 that. I didn't want to interrupt you.

17 JUDI HALL: Okay. And the other things that I
18 find very strange is that this hearing is taking
19 place. The FEIS just came out, they filed on
20 July 5th, you said, at the beginning of this; yet,
21 on September 8th they're still responding to
22 questions about placement of turbines and placement
23 of turbines and how close they can be to
24 transmission lines and gas lines. I would have
25 guessed that stuff would have been addressed long

1 before this stage of the Public Service Commission
2 looking at this.

3 But I find that that's one of the issues we
4 have with the Public Service Commission is that
5 every project seems to have arbitrary and
6 capricious decisions made. I know Sheldon has a
7 650-foot setback from transmission lines and
8 Cohocton, we have no setback from transmission
9 lines.

10 I noticed that one of the questions that was
11 answered on September 8th by Invenergy addressed
12 how close they were going to be to gas lines. I
13 don't know what the Public Service Commission is
14 requesting for this project, but in Cohocton we
15 actually have a turbine that is 25 feet from an
16 existing, active gas line. The blades extend way,
17 way over the entire gas line, actually extend to a
18 wellhead. Makes us feel a little bit nervous, but
19 the issue is that I wonder when you're going to
20 come to some kind of standard rule that would be
21 decided long before things get this far.

22 The problem that's being addressed right now
23 in the press and that I find one of the biggest
24 issues with the wind developers is the solvency.
25 That's one of the issues that the Public Service

1 Commission does deal with. These companies are
2 billions, in many cases, of dollars in debt. First
3 Wind is two and a half billion with a "B" dollars
4 in debt and, yet, the Department of Energy keeps
5 giving loan guarantees to these developers. They
6 never have to prove -- we repeatedly filed with the
7 Public Service Commission asking for them to prove
8 where they're getting their funds from. How they
9 can possibly be solvent when they are producing
10 very little electricity that's being sold to the
11 grid.

12 And, yet, we are guaranteeing -- us, us
13 taxpayers -- millions and millions of dollars daily
14 to these companies. The other issue is that they
15 constantly, after a project is built, they use the
16 leases for collateral for nonrecourse loans. The
17 Public Service Commission seems to have no problem
18 with that.

19 I don't know if lease holders understand what
20 a nonrecourse loan is. Your property is pledged to
21 a foreign bank as the collateral if they default.
22 Nonrecourse is for the wind developer who walks
23 away with a big smile on their face and millions of
24 your tax dollars. I have a problem with that; I
25 guess the Commissioner don't. That is one of the

1 things that we have continually asked about with
2 them.

3 And I'd like to end by just asking the Public
4 Service Commission to please do their duty. You
5 are charged with protecting the public, not LLC
6 companies and they should all be held to the same
7 standard as other utilities.

8 The other -- which someone just reminded me of
9 in talking -- we have a brand new addition. We are
10 lead to believe that there is no danger in any of
11 these projects. I happen to live 1,567 feet from
12 the base of a 2.5-megawatt turbine. The bags under
13 my eyes are because of lack of sleep several nights
14 a week, but, you know, that's neither here nor
15 there. Some people it bothers, some people it
16 doesn't, but we have new signs.

17 Our project has been spinning for three years
18 now and in the last 60 days we have had new signs
19 posted on all of our access roads. They are
20 saying: No trespassing, high voltage, in big
21 letters. Danger of falling objects. But, yet, the
22 danger zone encompasses my driveway. I feel like I
23 should issue a hardhat to everyone when they get
24 out of their car, because what happens when one of
25 those falling objects lands on someone coming to

1 sell me something and they lose a life, limb or
2 worse?

3 I ask the Public Service Commission, please,
4 to look at these projects in the correct light and
5 do your due diligence.

6 ALJ PHILLIPS: Thank you. The next speaker
7 is: Lynn Lomanto.

8 LYNN LOMANTO: I'd like to thank you for
9 giving us this opportunity. One of the things we
10 haven't had an opportunity for is to speak our
11 voice, so this is most appreciated.

12 The Stony Creek Energy, LLC wind farm project
13 has presented many extreme inconsistencies and
14 deficiencies in the plan and survey of the project.

15 At this time, it's important to recap the
16 important information provided to the town board of
17 Orangeville lead agency for Stony Creek Energy,
18 LLC. We've discussed many of these with some of
19 the residents that have graciously decided to talk
20 and one of these, which began some of our concerns,
21 was the Jefferson salamander and blue-spotted
22 salamander.

23 I have received a letter from the DEC
24 addressed to the Town Supervisor of Orangeville and
25 it said, basically, that there was a concern by the

1 DEC for this species of concern. The Jefferson
2 salamander and the blue-spotted salamander in
3 Orangeville has one of the most largest breeding
4 grounds and egg-mass counts that were ever found.

5 I have a letter I am going to present to you
6 from Cornell University from Doctor Adler
7 (phonetic). Basically, he says: To the contrary,
8 what might be needed are similar studies elsewhere
9 in New York to survey for Jefferson Pond. These
10 new such studies could demonstrate what I already
11 suspect is true, that Orangeville Township
12 possesses some of the best salamander, Jefferson
13 salamander, habitat in New York State and ought to
14 be carefully preserved on this account.

15 We found this in many accounts. Many of us
16 live in this area because of the wildlife. I am
17 now in a retired state. I know Mr. Knab. My
18 husband has worked with him for many, many years.
19 He's a very nice gentleman. But, on that same
20 account, they have literally taken our residence,
21 taken our livelihood, taken our homes and
22 discounted them.

23 And my friends mentioned the bats and the
24 raptors. The information obtained by the
25 Environmental Committee of Clear Skies Over

1 Orangeville identified that a serious threat would
2 be directly caused to the bat and avian population.
3 Studies by Stantec (phonetic) for Invenergy and the
4 Town Board of Orangeville made light of the fact
5 that the bats would suffer serious mortal effects
6 from the wind turbines; post-studies are supposedly
7 adequate.

8 As we've noted, Sheldon's studies have not
9 been presented to us yet. There has been a survey
10 that Mrs. Wilkinson found that suggested that Noble
11 Bliss has the seventh largest bat kill in the
12 nation.

13 It became evident that Orangeville Town Board
14 wanted this work done for themselves. At town
15 meetings, the Stantec work sessions, absolutely no
16 comment was made by the Board members to address
17 anything. They sat and listened.

18 Support: They didn't show it. Concern: They
19 didn't show it. In fact, records show that
20 Supervisor May, Attorney DiMatteo told residents no
21 verbal comments would be accepted in most of these
22 meetings.

23 Supervisor May read a statement at every work
24 session: No comments or questions will be allowed
25 or answered at these work sessions. Written

1 comments were accepted prior to the beginning of
2 the work session, never addressed. We have this on
3 tape; it's recorded.

4 Then, we talked about the bald eagle. The
5 Fish and Wildlife have taken great strides to try
6 to bring this bird back. We have discovered new
7 nests in our area, we have also discovered we had
8 six bald eagles. They want to do a TAKE permit.
9 The wind energy has significantly decided that the
10 Fish and Wildlife need to change their regulations
11 to accommodate wind.

12 I will share a story with you. I'm a
13 technology teacher, I work in the City of Buffalo.
14 I work with the engineers out of UB. Every year my
15 students would do this game called SimCity.
16 Wonderful game, lots of fun. Kids loved it. We
17 would build towns, we would get energy, we would
18 put in nuclear plants, they were really expensive,
19 but they worked. Do you know why they worked?
20 They are sustainable. Any of my students that took
21 wind energy, put it in their project, the towns
22 browned out, the people moved away and they had to
23 start all over again.

24 I'm not happy about this. I'm for green
25 energy, I'm not against it. What I am against is

1 the need for this company to come into an area
2 where people live and put these 1,328 feet from
3 their homes, 700 feet from their property lines.
4 Come on, be real.

5 This is an industrial product. Many of these
6 energy people, it's all about the money. Yes, it
7 is. It's all about the money, guys, we know that.
8 But it's all about our money, tax money, home
9 values. There over 600 residents in the Town of
10 Orangeville and we have 41 projects. What, maybe a
11 couple hundred people? What about the other 400?
12 I went door-to-door, I talked to these people about
13 turbines. These people are 30 year olds, 40 year
14 olds. These are our kids, they are trying to make
15 a living and this company is going on the backs of
16 these kids and our Town Boards are going on the
17 backs of these kids, making them pay.

18 You don't have a tax break, you have energy
19 costs are going up. It costs \$23.00 for the grid
20 to accommodate turbines. They're shut down. They
21 shutdown coal plants, they shutdown hydropower.
22 I'm sorry, \$21.00 comes off of everybody's back and
23 \$2.00 is put in by wind energy. That's unfair.
24 That's not an equitable balance. I'm sorry. There
25 are better sources of energy that are sustainable.

1 Now, to get to -- I'm not going to go through
2 everything because some of my other peers have done
3 that. But I will say that I'm very concerned for
4 this project and I did not realize the height of
5 the concern until I went to the Town of Barker.

6 Barker has a coal plant. It's Summerset. We
7 have elected officials in a meeting, in Barker, now
8 concerned for what they call the RGGI. New Jersey
9 has gotten rid of it, Maine is getting rid of it,
10 New Hampshire. What has happened, basically, to
11 accommodate on the grid, these turbines, they must
12 shutdown the coal plants. They must shutdown
13 Niagara Falls. Well, when they shutdown Barker and
14 the Summerset plant, it's sort of like taking a car
15 and going into the city and going stop and go and
16 stop and go and stop and go. Consequently, the
17 emissions are huge.

18 If you take that same car and run it on a
19 highway you get better gas mileage, less emissions.
20 Well, because we have to do this stop and go, stop
21 and go, we had now 16 coal plants being fined
22 10 million dollars for poor emission. I mean,
23 what's the justification here? What are we
24 actually looking at in energy? Give it a little
25 more thought. Give it a little more time, because

1 I don't think wind is the answer. It's not
2 sustainable.

3 Problems it's caused in our Town with
4 division, these are good people. The problems that
5 have evolved from this project are insurmountable.
6 I don't know if friendships will ever be resolved
7 again. This goes deeper than the cost of energy,
8 it goes deeper than putting in a windmill. We have
9 another airport -- we have two airports. These
10 guys have to fly into turbines. People coming --
11 it's almost more important for the turbine than it
12 is for the people who live here. It's their
13 livelihood, it's their enjoyment. We didn't buy
14 here because we wanted to live in an industrial
15 park.

16 With that, I'm going to submit to my
17 paperwork. I also have some information regarding
18 the health concerns and I'd like you to take that
19 into account. Thank you for listening.

20 ALJ PHILLIPS: You are welcome. Are these
21 different than the comments previously submitted?

22 LYNN LOMANTO: Some of them are.

23 ALJ PHILLIPS: Thank you very much.

24 James Herman.

25 JAMES HERMAN: I didn't write any formal

1 comments.

2 ALJ PHILLIPS: Do you want to make a
3 statement?

4 JAMES HERMAN: I'm Jim Herman, Councilman, Town
5 of Orangeville. I guess I've heard all the
6 comments that were made here today at least once,
7 maybe several times. The Town Board spent a lot of
8 time going through all of the paperwork. We hired
9 legal and engineering firms to help us decipher and
10 get through all of this information, all quite
11 interesting. It took me quite a few weeks to read
12 through it.

13 I just think that almost item-by-item there
14 was either a reason for changing things to mitigate
15 or things that weren't -- we weren't able to
16 mitigate except maybe by distance or something like
17 that. Some things were changed, some things
18 couldn't be changed. We are looking both at the
19 economic situation for the Town, the taxpayers and
20 trying to do the best we can to satisfy everybody,
21 which is just about impossible. And I guess we are
22 doing what we are doing to the best of our ability.
23 Hopefully, it will work out. Like the lady said:
24 Some attitudes aren't going to change, some
25 friendships are gone, period. Can't help that.

1 It's already done.

2 I just think we are doing the best we can for
3 the Town. Thank you.

4 ALJ PHILLIPS: Thank you for your comments.

5 The next speaker is Mary Kay Barton.

6 MARY KAY BARTON: There's just one thing we're
7 sure about and we've learned right along, we know
8 it's all about the money. Maybe the towns that are
9 getting all the payouts might want to buyout some
10 of the folks that can't sell their houses instead
11 of buying a new truck. That might be helpful for
12 them.

13 Or Invenergy should probably write a property
14 value protection plan, which if there is going to
15 be no problems, what's the problem? There's a
16 little story I want to tell to you. I have been
17 involved in this for years because it's a rip off.
18 We are all getting screwed, if you want to know the
19 truth, and there was actually one of the residents
20 of Orangeville happened to be in the Department of
21 Energy back in the '70s when this first all started
22 coming down the pike.

23 He happened to be at the table when the
24 Department of Energy brought up the
25 industrial-sized turbines and there was people

1 there who said: People aren't going to want these
2 things around their homes, you know. Where are you
3 talking about putting these things? Oh, don't
4 worry. They are not intended for residential
5 areas, they are intended for uninhabited sites out
6 in the Great Plains, midwest. When you drive out
7 there you can see there isn't any houses around.

8 Well, then the big joke became at the table
9 when somebody suggested: Well, we better put
10 together a new wind map so we know where the best
11 areas are, where the best wind is. Big joke
12 became: Well, what do we need to do that for?
13 We'll just put them where the prisons and the poor
14 people are and everybody at the table except our
15 friend from Orangeville was laughing.

16 That's how energy decisions are being made in
17 our country today and it is sickening. This is my
18 prepared statement: Dear members of the Public
19 Service Commission, it's my understanding that the
20 Public Service Commission is employed by and for
21 New York State tax payers and rate payers to
22 "ensure safe, secure, reliable access to electric
23 services for New York State's residential and
24 business consumers at just and reasonable rates."
25 I believe this is correct, because it's right on

1 their web site, it's their mission statement.

2 I'm wondering if anybody can define capacity
3 value? Are you aware that industrial wind turbines
4 provide virtually no capacity value? Are you aware
5 that, because wind provides no capacity value, it
6 cannot provide reliable dispatchable base load
7 power and it will always need constant, equivalent
8 backup power?

9 Look at Texas. All those wind turbines,
10 probably the greatest installation of wind turbines
11 in any state in the nation. During that heat wave,
12 do you think they have any help from their wind
13 turbines? Hell no. The wind wasn't blowing. The
14 wind blows the most when we need it the least.
15 They have a heat wave, they had all that money in
16 wind turbines sitting there not doing a dang thing.

17 Are you aware that because wind provides no
18 capacity value it cannot provide reliable,
19 dispatchable base load power? And we will always
20 need the constant equivalent backup power. Are you
21 aware that despite wind industry claims of reduced
22 CO2 emissions and with over 140,000 industrial wind
23 turbines installed world wide today, CO2 emissions
24 have not been significantly reduced anywhere. This
25 is the basis of why the industry exists today.

1 This is why over 80 percent of each project is paid
2 for with our tax dollars. I resent that my tax
3 dollars are being used to subsidize a few people,
4 while some of my friends can't sell their houses,
5 can't sleep at night, have to go down the road to
6 another town to sleep in their truck. That ticks
7 me off. I don't want my dollars being used like
8 that. It's a rip off. I will say it over and over
9 again.

10 Are you aware that the National Academy of
11 Science national research council report stated:
12 Building thousands of turbines won't reduce the
13 pollutants that cause smog and acid rain. Are you
14 aware that New York State already gets 50 percent
15 of it's electricity from the emissions-free sources
16 of hydro at 19 percent and nuclear at 29 percent?
17 Are you aware -- but they don't count nuclear as
18 emissions free, just so you know.

19 Are you aware that Denmark, held up by the
20 American Wind Energy Association and the current
21 administration, is the poster child for industrial
22 wind and has electricity rates that are nearly four
23 times what we pay now. Is that what we want?
24 That's where we are heading. Have you seen the
25 report: New York Wind, Much Adeu for So Little?

1 The average capacity factor, the actual output of
2 these things is anywhere between zero and
3 twenty percent.

4 Ridiculous. What a waste of our money. It's
5 sad. You people are being used. Are you aware
6 that the current delivered efficiency of U.S.
7 power plants has a grim national average of only
8 30 percent with 70 percent lost as waste heat.
9 It's criminal to be talking about installing new
10 capacity generation and that's what we got going on
11 in our existing sources.

12 The 70 percent that's lost as waste heat is
13 greater than what it takes to run the entire
14 content of South America and Central America
15 combined. These are all things that the industrial
16 wind folks don't want you to know.

17 Shouldn't the PSC be working to increase
18 efficiency since it says right on your website:
19 We're all about reliable sources. And thereby
20 protect us consumers from the type of redundancy
21 and price inflation that will surely cause further
22 job loss, business closings and overall price
23 increases throughout our economy, hurting the
24 poorest sector of our population the most.

25 How does the PSC justify making New York State

1 consumers pay twice for this wasteful inefficient
2 redundancy, let alone expecting any of us to
3 approve lightened regulations for this
4 multi-national corporation and their friends who
5 seek to exploit our rural residential countryside
6 and the lives and pocketbooks of the very citizens
7 who are paying for these projects through our rate
8 payer and taxpayer dollars.

9 It is my understanding that it is the
10 responsibility of the applicant, Invenergy, to
11 provide a complete and extensive listing of
12 alternatives to the Town that they propose to
13 transform into an industrial wind installation. If
14 Invenergy and New York State's true concern is
15 about renewable energy and the environment -- which
16 we've already learned it's all about the money --
17 as they claim, why is only the production side of
18 Invenergy's profits provided in Invenergy's DEIS?
19 Why has Invenergy not been required to supply an
20 extensive listing of alternatives to the Town of
21 Orangeville and its citizens as is required.

22 Who knows, these guys just do what they want,
23 nobody makes them follow the rules. I was at the
24 June 2009, NYSERDA environmental group meeting
25 speaking specifically to wind power at which, New

1 York State Department of Health officials, Dr. Jan
2 Storm acknowledged worldwide health problems
3 associated with noise and infrasound emanating from
4 industrial wind turbines. And, yet, New York State
5 has still not conducted any studies or made any
6 efforts to protect New York State citizens. That
7 was over two years ago.

8 At the same meeting, the former PSC sound
9 engineer, Dan Driscoll (phonetic) suggested
10 setbacks of approximately 3,450 feet could
11 alleviate a lot of the problems. Has anything been
12 done about that? No. Yet here, in 2011, still
13 going forward with ludicrously irresponsible
14 setbacks of only 700 feet from people's property
15 lines and 1300 feet from the foundation of people's
16 homes. This is nothing but back door eminent
17 domain.

18 The lack of any follow through at all by New
19 York State elected and appointed officials who are
20 supposed to be working to protect New York State
21 citizens, not big wind corporations, is
22 disgraceful. New York State's actions speak louder
23 than words. It's all about the money. We already
24 heard that today. Apparently, they could not care
25 less about the health and well being of the very

1 people they were elected to serve. If the current
2 administration supports government subsidies for
3 renewables, like wind, and justify such support
4 because it diversifies our electricity supply
5 portfolio while completely ignoring the health and
6 welfare of New York State citizens, then, why not
7 do the same thing for the transportation sector by
8 subsidizing gliders to round out our commercial air
9 transport array. Makes about as much sense. How
10 competitive do they think such a business would be
11 given, with today's expectations of reliability and
12 performance.

13 Industrial wind does not provide modern power,
14 period. It's antiquated. We may as well try and
15 get 20 percent of our electricity from sailboats or
16 gliders. Industrial wind provides virtually no
17 capacity value, which is specified amounts of power
18 on demand. Therefore, can never replace our
19 reliable, dispatchable base load power sources.
20 That is, if you want your lights to come on when
21 you flip the switch.

22 Americans currently enjoy cheap, affordable
23 electricity and that's been the basis of the growth
24 and overall well being of our great nation and now,
25 I guess, we're supposed to feel guilty about it,

1 but let's get to the nuts and bolts of this.

2 This is about the transfer of our wealth
3 overseas. Of the \$2.2 billion dollars of stimulus
4 money that went to renewables, over 80 percent of
5 it went overseas and that ain't going to change.
6 They are made in China, they are made in India,
7 they are made in Denmark.

8 And jobs -- we've got a couple of dead bat
9 picker uppers and lawn mowers. Furthermore,
10 focusing -- Americans currently enjoy cheap,
11 affordable electricity and that's been the basis of
12 the growth and overall well being of our great
13 nation. To continue to throw our good money after
14 bad is something that will only continue to
15 escalate our electricity rates and further drive
16 industry out of New York State and the country is
17 complete lunacy and overall economic suicide.

18 Furthermore, focusing on building new
19 generating capacity without first addressing energy
20 efficiency is nearly criminal, as I already stated.
21 Especially when these energy sources are lobbyist
22 driven, inefficient, ridiculously expensive,
23 unreliable, green sources of wind and solar. Why
24 aren't we looking at and considering what has been
25 proven to be and unproductive experience in other

1 countries long invested in industrial wind before,
2 making the same expensive mistakes here in the
3 United States? But I guess that's just human
4 nature. God forbid we learn from somebody else's
5 mistakes. We're going to do the same dang thing
6 ourselves and end up in the hole.

7 A recent Spanish study by researcher Gabriel
8 Alvarez (phonetic) at King Carlos University in
9 Madrid concluded that Spain's mad rush to meet
10 overly aggressive renewable standards has destroyed
11 jobs. For every job created in the wind industry,
12 2.2 jobs were lost in the rest of the economy.
13 Even worse is the fact that only one in ten of
14 those wind and energy jobs was permanent. The end
15 result in Spain? Investing in wind has driven up
16 Spain's real cost of electricity, while carbon
17 emissions have increased 50 percent since 2000,
18 according to data from the European Environment
19 Agency.

20 The irony is that Spain's entire renewable
21 industry was built on the promise of creating
22 millions of new, high paying, green jobs, while
23 simultaneously meeting requirements for cutting
24 carbon emissions. The same political agendas
25 Albany and Washington are now unquestionably

1 pursuing. I was told directly that very thing at
2 the NYSEDA meeting, this is a political agenda.
3 So much for science.

4 Where is the common sense in ignoring the
5 expensive lessons already learned by others? If
6 industrial wind power has no significant impact on
7 the problem of CO2 emissions, if wind causes
8 electricity prices to sky rocket, which President
9 Obama told us it would, your electricity rates will
10 necessarily sky rocket, costing us at least two to
11 three times as much as conventional sources of
12 energy.

13 If wind killed at least as twice as many jobs
14 as it creates and if wind also has extraordinary
15 additional cost due to significant adverse
16 environmental, ecologic, scenic and personal health
17 and property value impacts, then, why would any
18 person in their right mind agree to this madness?
19 I just don't get it and I can't get past people
20 that are not willing to look past the end of the
21 nose on their face to see what the bigger picture
22 is.

23 Unfortunately, our energy policies are
24 currently being driven by corporate lobbyist, not
25 science. To waste billions on industrial wind when

1 it can never do what industrial salesmen say it
2 will is a travesty to both taxpayers and rate
3 payers and to miles and miles of fragmented
4 habitat, devastated historic vistas and divided
5 communities it leaves in its wake.

6 To sum it up: Industrial wind has exorbitant
7 costs for insignificant benefits. Invenergy should
8 not be granted permission to go ahead with this
9 project at all, let alone be granted lightened
10 regulations. That is if the PSC and other
11 appointed New York State elected and appointed
12 officials actually wish to protect New York State
13 taxpayers and rate payers from the fraud of the
14 corporate welfare scam that is industrial wind.

15 As it says, your mission is on your web site
16 to provide reliable access to electric at
17 reasonable rates. Thank you for the opportunity to
18 speak.

19 ALJ PHILLIPS: Thank you.

20 MARY KAY BARTON: I'm sorry about my emotion,
21 but I can't get the rip off that's going on. I've
22 provided you with -- the Colorado/Texas -- study
23 I'd also like to add. This is an add-on to
24 Miss Lomanto's comment that cycling other energy
25 sources drives up the emissions because wind is so

1 erratic when we try to supply it to the grid. It's
2 creating the opposite effect of what they claim
3 they want.

4 ALJ PHILLIPS: Okay.

5 I believe it's Stuart Hempel?

6 STUART HEMPEL: There's some attachments,
7 which I'll make reference to, but they are included
8 in the packet, so I won't take up too much time.

9 ALJ PHILLIPS: You gave me some duplicates?

10 STUART HEMPEL: There's some attachments.

11 ALJ PHILLIPS: Thank you.

12 STUART HEMPEL: My name is Stew Hempel and
13 I'm the Chairman of a 300-member -- more than
14 300-member organization in the neighboring Town of
15 Attica, which is called: Life Under the Turbines.
16 We support green energy, but not industrial wind
17 turbines.

18 Briefly, there are many reasons why we are
19 opposed. They include: Visual; noise; shadow
20 flicker; ice throws; their excessive cost; massive
21 size; inefficient, so they run for perhaps
22 20 percent of the time and that you already saw
23 evidence of; community division, which is hard to
24 recover from.

25 If you built turbines, it will be very hard to

1 recover from. The turbine setbacks of Orangeville,
2 which have been referenced by other people, of
3 1,320 feet from a house and 750 feet from a
4 property line are the closest we have ever seen.
5 We've looked at a lot of wind farms across the
6 country and we have never seen a setback this
7 close.

8 What we may be witnessing is the genesis of a
9 class-action lawsuit. Medical research on the
10 negative impact of wind turbines has grown
11 substantially in recent years. I think you're
12 aware of Dr. Nina Pierpont, who lives up in the
13 north country of our State, has written a book
14 about the wind noise that -- you have it?

15 ALJ PHILLIPS: It's an Exhibit.

16 STUART: But it's not just Dr. Pierpont, it's
17 other physicians in Spain, in Great Britain and in
18 Canada who have done extensive research because
19 their patients are coming to them and complaining
20 about noise, primarily. It effects their lives.
21 They can't sleep. It effects their equilibrium.
22 It doesn't effect people equally, sometimes it
23 doesn't effect at all, but we all have a different
24 neurological response to the noise of the turbines.

25 More importantly, in addition to the health

1 issue, we believe there is a lack of proof that
2 wind turbines -- reduce carbon emissions from power
3 plants. That is what the proponents allege, that's
4 the issue, not no Town tax. You're building
5 turbines to reduce carbon emissions from power
6 plants that deal with global warming.

7 I've included attachments of 20 quotes from
8 scientists, primarily from scientists, that
9 reference wind's dismal performance and why they
10 are built, the primary mission. They fail. They
11 fail extensively. They are pathetic.

12 Turbines also cause a negative impact on
13 property values. In most cases, a person's home or
14 property is their largest financial asset. People
15 in Orangeville, you have heard this already. They
16 have requested repeatedly an income protection plan
17 so that this asset, their home value, could be
18 maintained when the property is sold.

19 Properties are sold sometime in their life to
20 other people. Invenergy, apparently, will not
21 consider such a plan. They quote a Federal study,
22 which suggests there is no loss of property value
23 to those who near their height. At 419 feet,
24 that's a 40-story building. That's taller than any
25 building in Rochester. That's taller than any

1 building in Buffalo, except the HSBC building.

2 There are many studies including realtors
3 experience and expertise and just plain common
4 sense, but reached entirely different conclusions.
5 Now there's an attachment that references that.
6 During the campaign in Attica, which took about
7 three years before the Town unanimously voted not
8 to proceed with turbines, we put together a
9 handout, which we call: What Other People Have
10 Said. And we researched -- this is really from
11 newspaper articles about turbines, turbines effects
12 on property -- and there's, I think, 52 or so
13 entries in this group. There's, like, and 11 or 12
14 reference comments by realtors.

15 I talked to a realtor in Steuben County
16 because they were considering building turbines in
17 the Village of Naples, and his name is Mike Keenan.
18 He said: I'm not listing any properties near
19 turbines because they won't sell. And he went to
20 tell me that he gave the name of a realtor to talk
21 to in Texas and somebody made a mention of the
22 state with the most turbines, Texas. But the other
23 realtor said to me, he said: For the first year or
24 so, values held up nicely for properties near
25 turbines; then, the market went south big time.

1 What we found is we ran out of buyers who didn't
2 care about the windmills. And that's probably
3 where we are heading now.

4 You've had testimony here, well, things are
5 fine, they're great. Sooner or later you're going
6 to run out of people who don't care, because people
7 do care. If you have less people in the market to
8 buy your property, the price will go down, period.

9 Losses in excess of 20 percent are not
10 uncommon for loss of the property value. The
11 argument for turbines and the only thing that
12 people that I can follow say: Well, we are not
13 going to pay a town tax, which about 15 percent of
14 all of your taxes. Well, if there's no town tax,
15 but your property loses 20 percent of the value and
16 you had to sell it in 12 years, you're in the tank.
17 You've lost money. This is not a win-win
18 situation, this is a loss situation.

19 People move to rural, tranquil towns like
20 Attica and Orangeville because they desire --
21 somebody else said it -- peace and quiet. There's
22 a British survey that confirms that that was true.
23 Turbines don't promote peace and quite.

24 If Invenergy is correct, that there's no loss
25 of property value, they should fund a protection

1 plan because there's no risk to them. It's not
2 going to happen, right? Wind turbine protection
3 plans, they exist.

4 The cost of wind energy far exceeds the more
5 traditional source of power in coal and nuclear,
6 natural gas or hydrogen. Wind farms exist on
7 Federal and State subsidies and favorable
8 accounting practices, period. Many of these
9 practices were evolved by the disgraced company,
10 Enron, which was once the largest owner of turbines
11 in this country.

12 New York's average electric prices are the
13 third highest in the nation trailing only Hawaii
14 and Connecticut. High energy costs are one of the
15 main reasons New York has lost tens of thousands of
16 jobs, primarily in the manufacturing sector. I
17 worked at the Western Electric plant in Buffalo in
18 1970. The plant closed. Senior managers explained
19 that the plant was not comparable to other plants
20 in the Western Electric system that were in the
21 Cities of Omaha, Phoenix, Baltimore and Kansas
22 City. How many jobs were lost? 2,500. We would
23 kill for 2500 jobs anywhere in this State, wouldn't
24 we? Any kind of job. These were good paying jobs.
25 These people made a good product, they were proud

1 of what they did. Those jobs are gone, they are
2 lost forever.

3 I work for a company called American Tubing,
4 which is in Wyoming County, and our major
5 competitor is a company called Indiana Tube. It's
6 in Terra Haute, Indiana. And the difference in
7 energy costs, electric costs, to little companies
8 like American Tubing are big consumers of energy.
9 The difference between New York and Indiana is nine
10 cents a kilowatt hour. That's a huge disadvantage.
11 That's tremendous. That's like trying to run your
12 company with one arm behind your back, it's almost
13 impossible to do. We have got over 100 UAW good
14 paying jobs, but how long they are going to exist
15 with that kind of disadvantage and wind energy
16 doesn't do anything to reduce that disadvantage?

17 Furthermore, let's talk about something else,
18 which I saw evidence of it yesterday. There's
19 something happening in America today, that is there
20 is a political mood. It's different. Okay?
21 Whether we like it or not saying: We want less
22 government and less government means less spending.
23 How much money does the wind turbine industry get
24 from subsidies, State and Federal? Probably at
25 least a billion dollars.

1 RICK SLOWINSKI: Eight billion a year.

2 STUART HEMPEL: Eight billion a year. Okay,
3 that's eight times worse than I thought it was. In
4 a different political environment, which may
5 happen -- it may happen very soon in the next
6 election, which is a year and plus away -- is that
7 eight billion. That's at risk. That's seriously
8 at risk. These companies are a limited liability
9 corporation. You build turbines, they lose all of
10 their tax advantages. What happens? They are
11 idle. You want idle turbines in your town? There
12 are idle turbines in the country for various
13 reasons.

14 So the owners cannot meet their financial
15 obligations. They can't pay their bills. Do they
16 pay Town tax if they can't pay their bills? They
17 do not. The reason for my organization's concern
18 primarily, though, is the source of drinking water
19 for the residents of the Village of Attica, the
20 Village of Alexandra, which is a neighboring
21 village and the Attica and Wyoming Correctional
22 Facilities, which is 2,000 inmates. The source is
23 the Attica Reservoir, which extends in the Town of
24 Orangeville. The Village of Attica, not the town,
25 the village is responsible for the Reservoir and

1 they actually pay the Town tax for Orangeville.

2 The Village protects its water supply. You
3 cannot boat or fish on the Reservoir without a
4 permit. The Village has twice asked on May 20th,
5 2010 and June 19th, 2011, a written reply to their
6 concerns of turbines within the Reservoir's
7 watershed. No response.

8 Furthermore, the DEC has noted that turbines
9 T07, T08, T20 through T28 -- which I think is
10 Bantam Road -- are within or just over one mile
11 from the Reservoir. These turbines pose a
12 collision risk to the American bald eagle who fly
13 this area, including the adjacent Bantam Swamp.
14 Evidence of that given by other people who have had
15 proof and have even had pictures of nesting, not
16 nesting, but foraging at the Reservoir, they are
17 there.

18 There's a bald eagle's nest on the Paul --
19 property, which is on the edge of the Village of
20 Attica. There may be a willingness of Invenenergy to
21 proceed by dropping some turbines from their
22 proposed environment and so would the people of the
23 Village and the town of Attica that were at the
24 Town. That's only as the previously named
25 turbines, which I just identified, be removed from

1 this project.

2 Thank you for the opportunity to talk.

3 ALJ PHILLIPS: Thank you. At this point, I
4 don't have any other cards. Is there anyone else?

5 (No verbal response.)

6 ALJ PHILLIPS: I want to thank you all.

7 AL VLIETSTRA: Could I make one more comment?

8 ALJ PHILLIPS: Yes. Could you keep it to
9 three minutes?

10 AL VLIETSTRA: Rick and I can get in our car
11 and drive down the road. Well, what about the
12 kids? Maybe their parents aren't effected by these
13 waves and they are suffering and they can't
14 communicate it. I have a little girl for two
15 years. We thought she was colicky. I can't prove
16 it, but she screamed for two years straight. Who
17 knew what the issue was, but I'm sure there are
18 people, children that are suffering that can't
19 communicate what the problem is and probably don't
20 even realize it.

21 I guess that about sums it up. But the
22 headaches, and the earaches and the eye pain that
23 you have everyday if you are there, it's not fun.
24 Thanks.

25 ALJ PHILLIPS: I don't have any other cards

1 and we are at just about 5:00. I just wanted to
2 say thank you so much for everyone coming out. I
3 appreciate you coming to the hearing and making
4 your comments knowN. We are hereby adjourned until
5 6:00 p.m. in the same location. Thank you.

6 (Whereupon the public hearing adjourned at 5:00 p.m.)

7 * * * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

STENOGRAPHER'S CERTIFICATION

I, RHODA E. COLLINS, being a Shorthand Reporter in the County of Monroe, State of New York, do hereby certify that I reported in Stenotype Shorthand the Stony Creek Proposal Public Hearing held on the 14th day of September, 2011, and that the foregoing pages number 1 through 77 were prepared under my direction and control, and constitute a true, accurate, and correct record of those Stenotype Shorthand notes.

I further certify that I am neither attorney nor counsel for any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the outcome of the action.


Rhoda Collins

Dated at Rochester, New York
this 23rd day of September, 2011.