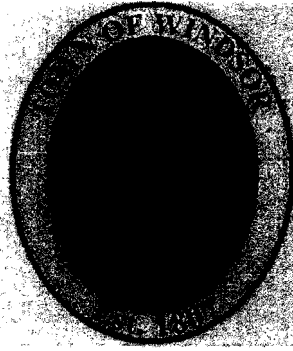


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Supervisor Carolyn Price

Town of Windsor
124 Main Street
Windsor, New York 13865

Telephone number 607-655-2026
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April 16, 2013

Honorable Jeffrey Cohen
Acting Secretary to the Commission
New York State Public Service Commission
Agency Building 3
Albany, NY 12223-1350

Regular mail and E-mail:
Jeffrey.cohen@dps.ny.gov

Re: Town of Windsor, Laser Northeast Gathering Company, LLC
Natural gas gathering Pipeline and Compressor Station
Case 10-T-0350

Dear Honorable Cohen:

I am the supervisor for the Town of Windsor. I am writing to you in regards to the above referenced project and the Public Service Commission's Consent Order.

The Town has a Noise local law (Chapter 68), a copy is enclosed for your convenience. Under the Noise local law, the ambient noise level is set at a default of 35 dBA. Pursuant to the local law, an applicant may demonstrate to the town, as part of an application that they believe the ambient noise differs from 35 dBA

The Town has not approved an application for a deviation from the ambient level (35 dBA) for this or any other application. Nor is there any valid pending application, under (chapter 68) before the Town, where any request to deviate from the ambient level is pending.

It is the official position of the Town, that the ambient level for the above referenced property is set at the ambient (35 dBA), and remains unchanged. This appears to be supported by the PSC's order dated February 22, 2011, which reads in part:

Applicants indicate that noise levels will comply with the 40dBA maximum permitted noise level during daytime hours and the 38 dBA maximum permitted noise level during nighttime hours on the Applicants' property once mitigation measures have been implemented. Sound levels will be evaluated pre- and post-operations to determine compliance with the Town of Windsor Noise Control Code. Page 29.

Moreover, the Commission ordered compliance in accordance with the default noise level:

Within 45 days of the commencement of operations of the compressor station, or such later date as may be specified by the Secretary, Applicants shall submit to the Secretary a report from independent acoustical consultant, in sufficient detail from DPS Staff to determine whether Applicants comply with the Town of Windsor Noise Control Code and a maximum noise limit of 40 dBA under no wind conditions at any existing residences; if the study does not show compliance with the Town of Windsor Noise Code and the terms of this order, Applicant shall have 45 days in which to bring sound levels into compliance... pages 87-88.

The local law requires that the ambient noise level remain at the default level (35) until such time as an applicant can demonstrate to the satisfaction of the Town Board that the ambient noise level should be changed.

In the subject situation, I do question if the Town Board would have the authority to entertain an application, wherein the default can be deviated.

The Order does state that:

As previously described, the noise study was developed based upon the results of a March 26, 2010 ambient sound survey and noise impact analysis associated with the proposed compressor station for this project. The study, conducted prior to the effective date of the Town of Windsor Noise Control Code, did not incorporate all of the measurement standards described in the Code. Until Applicants demonstrate ambient noise levels measured using those standards, pursuant to the Section 68-8, the ambient noise levels are assumed to be 35 dBA; maximum permitted noise therefore is 40 dBA during daytime hours and is

38 dBA during nighttime hours on the Applicants' property. Page
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This language leads me to believe that the PSC will be the authority that decides if an applicant, in the above referenced matter, demonstrates and provides proof that the ambient noise level should be different than the default.

Please be aware that I have received correspondence and documentation from Mr. Timothy McKnight, claiming that the ambient noise levels are actually lower than the default. It is also my understanding that Williams is seeking to raise the ambient noise levels.

As it appears that the PSC will be the authority to decide if there should be a deviation from the default ambient level, I will recommend to Mr. McKnight and Williams, by a copy of this letter, that they forward their correspondence and documentation directly to your attention.

If your understanding of the above mentioned differs from mine or you have questions, please let me know.

Very truly yours,



Carolyn W. Price
Town of Windsor Supervisor

cc: Senator Thomas W. Libous
Town of Windsor Board
Mr. David Brown, Code Enforcement
Mr. Timothy McKnight
Williams c/o Mr. Michael Dickinson
CROW c/o Ms. Eileen Ruggieri

§ 68

NOISE CONTROL

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CHAPTER 68

NOISE CONTROL

§ 68-1. Short Title.

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[History: Adopted on 6-2-2010 as LL #4-2010]

§ 68-1. Short Title.

This chapter shall be known and may be cited as the "Town of Windsor Noise Control Local Law."

§ 68-2. Policy.

This chapter shall be liberally construed so as to effectuate the purposes described in this chapter. Nothing herein shall abridge the powers and responsibilities of any Police Department or law enforcement agency or code enforcement department to enforce the provisions of this chapter. Nothing herein shall be construed to abridge the emergency powers of any Health Department or code enforcement department or any such departments or agencies to engage in any necessary or proper activities.

§ 68-3. Purposes.

The purpose of this chapter is to protect the public health, welfare, safety, peace and tranquility of the residents of the Town of Windsor by regulating noise levels.

§ 68-4. Authority.

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Windsor has the authority to enact local laws and amend local laws and for the purpose of promoting the health, safety or general welfare of the Town of Windsor and for the protection and enhancement of its environment. The Town Board of the Town of Windsor may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§ 68-5. Performance Standards.

Property within the geographical boundaries of the Town of Windsor shall be utilized within the limits specified as follows as safeguards and conditions for the protection of the community welfare. Standard methods of collection, measurement and chemical analysis or any method approved by the Town of Windsor, United States Bureau of Standards and Broome County Health Department shall be used in the application of these standards.

§ 68-6. Definitions.

A. All terminology defined herein which relates to the nature of sound and the mechanical detection and recording of sound is in conformance with the terminology of the American National Standards Institute (ANSI) or its successor body.

B. As used in this chapter, the following terms shall have the meanings indicated:

AMBIENT NOISE- The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources. The calculation or measurement of ambient noise shall subtract any or all noise or sound generated by properties or uses that have been issued a special permit, as prescribed herein.

A-WEIGHTED SOUND LEVEL- The sound-pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated "dBA."

CONTINUOUS SOUND- Any sound that is not impulse sound dBA, the abbreviation designating the unit of sound as measured by a decibel level meter using A-weighting, also known as "dB(A)."

dBA- The abbreviation designating the unit of sound level as measured by a sound level meter using the A-weighting, also known as "dBA." All references to "decibel" or "dB" shall be presumed to mean "dBA" unless otherwise specified.

DECIBEL- The practical unit of measurement for sound pressure level. The number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals), abbreviated "dB."

EMERGENCY- Any occurrence or circumstances involving actual or imminent physical or property damage which demands immediate action.

FREQUENCY- The number of sound pressure oscillations per second, expressed in hertz, abbreviated "Hz."

IMPULSE SOUND- Sound characterized by either a single pressure peak or a single burst (multiple pressure peaks) having duration of less than one second.

NOISE- Any sounds of such level and duration as to be or tend to be injurious to human health or welfare, or which would unreasonably interfere with the enjoyment of life or property within the Town.

PEAK SOUND PRESSURE LEVEL- Maximum absolute value of instantaneous sound pressure level during a specific time interval.

PERSON- Any individual, association, partnership, corporation or other entity and includes any officer, employee, department or agency of the person.

REAL PROPERTY LINE- Either:

(1) The imaginary line, including its vertical extension, that separates one parcel of real property from another; or

(2) The vertical and horizontal boundaries of a dwelling unit that is one in a multi-dwelling-unit building.

SOUND- An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The

description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL- The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI). If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER- Any instrument, including a microphone, amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specific manner and which complies with standards established by the American National Standards Institute (ANSI) specifications for sound level meters.

SOUND PRESSURE LEVEL- The level of a sound measured in dB units with a sound level meter, which has a uniform ("flat") response over the band of frequencies measured.

SOUND SOURCE- Any person, animal, device, operation, process, activity, or phenomenon, which emits or causes sound.

VIBRATION- An oscillatory motion of solid bodies of deterministic or random natures described by displacement, velocity or acceleration with respect to a given reference point.

§ 68-7. Unreasonable Noise Prohibited.

No person shall make, cause, allow or permit to be made any unreasonable noise upon property, within the geographical boundaries of the Town of Windsor, except as otherwise provided herein.

§ 68-8. Maximum Permissible Continuous Sound Levels.

The following general prohibitions regarding continuous sound levels shall apply in determining unreasonable noise. Noise shall be measured as follows:

- A. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute.
- B. The slow meter response of the sound level meter shall be used in order to best determine that the average amplitude has not exceeded the limiting noise level.
- C. Measurement of noise levels shall be made at or beyond the property line of the property on which such noise is generated or perceived, as appropriate, and shall be taken at least four feet from ground level.
- D. Compliance with the noise limits shall be maintained at all elevations at the boundary of the property.
- E. Daytime hours shall be between 7:00 a.m. and 10:00 p.m. Nighttime hours shall be between 10:00 p.m. and 7:00 a.m.

F. The maximum permitted noise or sound levels on property, within the geographical boundaries of the Town of Windsor are:

During daytime hours: ambient noise levels plus five (5) dBA.

During nighttime hours: ambient noise levels plus three (3) dBA.

Additionally, until demonstrated by the applicant or by the Town, ambient noise or sound levels within the Town of Windsor shall be assumed to be 35 dBA.

However, in no event shall the allowed noise or sound levels on the property exceed 55 dBA, unless as allowed via a Special Permit.

Moreover, noise levels shall be measured as described in this section.

§ 68-9. Exceptions.

The provisions of this law shall not apply to:

- (1) Sounds and vibrations emitted for the purpose of alerting people in emergencies.
- (2) Sounds created by bells or chimes of religious institutions.
- (3) Sounds created by any governmental entity, their agents, employees or contractors in the course of its duties (fire districts, , towns, villages, counties, schools, police agencies, etc.).
- (4) Noise from burglar alarms of any building or motor vehicle.
- (5) Noise from lawn mowers and related lawn equipment, snowblowers, and snowplows, if working within the parameters as set forth by the Manufacturer.
- (6) Noise typically associated with residential uses (e.g., air conditioners in good working order, swimming pool filter motors, etc.).
- (7) Noise created by the normal operation of public and private schools, typically consisting of classes and other school-sponsored activities.
- (8) Noise generated by municipally sponsored concerts and special events.
- (9) Noise generated by charitable organizations under the New York State Not-for-Profit Corporation Law.
- (10) Noise generated by volunteer fire companies in the performance of their duties, drills, and public demonstrations.
- (11) Noise allowed, pursuant to this chapter by Special Permit issued by the Town Board of the Town of Windsor or by temporary license issue by the Town Clerk of the Town of Windsor.
- (12) Noise due to emergency repairs, where the repairs are necessary due to actual or imminent physical or property damage which demands immediate action.
- (13) Sound from a farm, as defined in Section 93-4 or within an Agricultural District Designation that result from construction, repair, day to day activities, and/or emergency work that is done in the

pursuit of farming.

(14) Noise from emergency generators used during power outages.

(15) Construction or modification of a single or two family house or its accessory structure(s) where one of the following has been granted: a Building Permit, Site Plan approval, Broome County Health Department approval, a Driveway Permit from the Town of Windsor Highway Department and/or where the construction or modification of a single or two family house or its accessory structure(s) will be completed within seven (7) calendar days.

§ 68-10. Enforcement and Administration.

The noise control requirements established herein shall be administered and jointly enforced by the Town enforcement officers and the police agencies of Broome County or officials authorized by the Town Board of the Town of Windsor. Violations may be established upon verbal or written complaint by at least one person, including the enforcement officer.

A. Compliance orders. The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in this chapter. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a compliance order. If the condition or activity is not remedied after the issuance of the compliance order, then an appearance ticket may be issued as provided hereinafter.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the chapter.

C. Penalties for offenses. Any person who violates any provision of this chapter shall be deemed guilty of a violation and, upon conviction thereof, shall be subject to penalties in a fine of not less than \$50 and not more than \$250.

D. In addition to those penalties prescribed herein, any person who violates any provision of this chapter shall be liable for a civil penalty of not more than \$3,000 for each day or part thereof during which such violation continues. The civil penalties provide by this subsection shall be recoverable in an action instituted in the name of the Town.

E. If the violation is of a continuing nature, each eight-hour period during which it occurs shall constitute an additional, separate and distinct offense.

F. Injunctive relief. An action or proceeding may be instituted in the name of the Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of this chapter. In particular, but not by way of limitation, where there is an violation of this chapter, an action or proceeding may be commenced in the name of the Town, in the Supreme Court or

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in any other court having the requisite jurisdiction, to obtain an order directing abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Town Board of the Town.

G. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this chapter. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section.

H. In addition to the above-provided remedies, the Town Board may also seek reimbursement to the Town for costs incurred by the Town in identifying and remedying each violation, including but not limited to reasonable attorney's fees.

§ 68-11. Temporary License.

A. Application for a temporary license. The Town Clerk shall have the authority to grant temporary licenses for limited times and purposes of this chapter. Any person seeking a temporary license pursuant to this section shall file an application with the Town Clerk. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information, which demonstrates that bringing the source of sound or activity for which the permit is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. In addition, the following information shall be provided:

- (1) The plans, specifications and any other information pertinent to the source of sound and vibration.
- (2) The characteristics of the sound and vibration entitled by the source, including but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.
- (3) The noise abatement and control methods used to restrict the emissions of the sound and vibration.
- (4) A time schedule for the installation of noise abatement and control devices, technology and procedures or process modifications that will be followed to restrict the emissions of sounds and vibrations.
- (5) The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.
- (6) A filing fee as set by the Town Board, from time to time, via a Resolution.
- (7) The requested duration of the permit.
- (8) The hours and days of operation and maintenance.

B. Decision.

(1) Upon receipt by the Town Clerk of all information required for the granting of the temporary license, and upon receipt of the appropriate filing fee, the Town Clerk shall issue or deny the temporary license.

(2) The Town Clerk shall not issue the temporary license if the requested duration of the permit is in excess of three days.

(3) If the Town Clerk denies the application for a temporary license for any reason, the applicant may apply to the Town Board for a Special Permit, following the procedure established below.

(4) If the Town Clerk issues a temporary license pursuant to this provision, the temporary license shall be valid for the time requested, but shall be rendered invalid if the actual source of sound authorized under the issued permit, as measured by an enforcement officer, causes a continuous noise level in excess of 80 dB(A) across any real property boundary.

§ 68-12. Special Permit.

A. Any person seeking a Special Permit from the Town Board pursuant to this section shall file an application with the Town Clerk. The Special Permit, if granted, shall be valid for a term of 5 years.

B. The application shall consist of a letter signed by the applicant and shall contain a legal form of verification. Such letter shall contain information, which demonstrates that bringing the source of sound or activity for which the Special Permit is sought into compliance with this chapter would constitute an unreasonable hardship of the applicant, on the community or on other persons. In addition, the following information shall be provided:

(1) The plans, specifications and any other information pertinent to the source of sound and vibration.

(2) The characteristics of the sound and vibration emitted by the source, including but not limited to the sound levels, the presence of impulse sounds or discrete (pure) tones, the day(s) and hours during which such vibration and sound is generated.

(3) The name and address of the applicant and the applicant's agent, if any, and whether the applicant is the owner, lessee, licensee, etc., of the premises. If the applicant is not the owner, the application must contain the written consent of the owner.

(4) The names and addresses of all owners of contiguous land within 500 feet of the premises.

(5) A filing fee as set by the Town Board, from time to time, via a Resolution.

(6) The requested duration of the Special Permit.

(7) Certification that there are no zoning or uniform code violations on the property.

(8) The hours and days of operation and maintenance for the activity causing the noise or

sound.

(9) A Noise Management Plan, the goal of which is to mitigate noise levels and keep the noise levels as low as possible. Such NMP shall include:

- a) Identification of noise sources;
- b) Assessment of current and available noise mitigation programs;
- c) Method of noise measurement;
- d) Best practices programs; and
- e) Continuous improvement programs.

C. Public hearing. Upon prior reasonable public notice published in the official newspaper of the Town, and upon a public notice board designated for that purpose by the Clerk for a minimum of 14 days, the Town Board shall hold a public hearing on the Special Permit application. The applicant in like manner shall give notice of the public hearing and application by certified mail, return receipt requested, to all property owners surrounding the sound source site within a radius 500 feet from the borders of said site. The notice to the neighbors shall be deposited in a mailbox at least 21 days prior to the public hearing date. The applicant shall provide an affidavit of mailing, showing proof of mailing to the neighbors as required herein. The applicant's affidavit of mailing shall become part of the application. Failure to provide notice to the neighbors shall result in automatic denial of the application.

D. Applicant to obtain other necessary permits or variances. This chapter does not preclude the necessity of the applicant to obtain any other approval, permit or variances as required by any other agency or local law before proceeding with an application for a Special Permit. The application for a Special Permit may not be initiated by the applicant until such time that other permits or variances, as may be required, are issued.

E. Decision

(1) In determining whether to grant or deny the application, the Town Board shall apply the following balancing test:

- a) The use possesses characteristics of unique and special form to warrant its consideration as an individual case.
- b) The location, size of the use and structure, nature and intensity of the operations involved, size of the site in relation to it and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
- c) The proposed Special Permit will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; including but not limited to odor, light, traffic, etc.
- d) The use shall not conflict with any Master Plan or part thereof.
- e) The relief granted must be the minimum required to achieve the use. Best practices as to noise management and operating procedures shall be taken into account when determining what

constitutes the minimum required to achieve the use. Noise management considerations should include but is not limited to, mufflers, enclosed buildings, burms, noise barriers, noise insulation, alignment, etc.

(2) The Town Board may consider other factors including, but not limited to the following:

- a) The sound level of the noise;
- b) The frequency of the noise;
- c) Whether the noise is unusual and incongruous with the surrounding environment;
- d) The sound level and frequency of the ambient noise, if any;
- e) The use, nature and character of the zoning district of the immediate area where the noise source exists;
- f) The time of day or night the noise occurs;
- g) The duration of the noise;
- h) The intensity of the noise;
- i) Whether the origin of the noise is associated with nature or with human-made activity,
- j) The existence of complaints concerning the noise from persons living or working in different places or premises who are affected by the noise and
- k) Seasonal and prevailing weather; including wind, precipitation and tree cover.

(3) In connection with this section, the Town Board may cause the taking of sound level readings in the event that there shall be any dispute as to the sound levels.

(4) The Town Board shall have the power to impose restrictions, conditions and the recording of covenants upon any sound source site, including time limits on permitted activity in the event that it shall grant any Special Permit hereunder.

(5) The Town Board shall comply with the State Environmental Quality Review Act. If such a SEQRA review is necessary, the Town Board shall be lead agency in that SEQRA review.

(6) The Board, upon reviewing all input from the public hearing and obtaining any additional data or information as deemed necessary, shall then pass or deny the application by resolution. The decision shall be transmitted to the Clerk, who will advise the applicant of such decision by transmitting a copy of the Special Permit application to the applicant, with the decision and conditions, if any, imposed by the Town Board attached.

F. Transferability and expiration of Special Permit

A Special Permit is not transferable except upon approval by resolution by the Town Board.

A Special Permit shall authorize only one use and shall expire if the use ceases for more than three months for any reason.

Changes or modifications to the use, including but not limited to changes in noise levels, shall void the

Special Permit. Changes or modifications to the use requires a new application pursuant to this Chapter.

The Town Board may revoke the Special Permit at any time if the permit holder fails to comply with any section of this chapter or condition of the Special Permit.

G. The applicant or his agent shall have readily available the approved Special Permit at the location or site for which the Special Permit has been issued and shall show same to any agent of the Town whenever requested.

H. Activity open to inspection. Activity conducted under the Special Permit shall be open to inspection at any time by any agent of the Town.

I. Request for Recertification of the Special Permit

(1) The Special Permit, if granted, shall need to be recertified prior to the five-year anniversary date of the original grant and every five years thereafter. The holder of the Special Permit shall submit a signed written request to the Town Board for recertification between 12 months and 6 months prior to each five-year anniversary date. The application shall include all the information required for the original submission requesting the Special Permit with the additional information:

- a) The date of the original granting of the Special Permit;
- b) A statement that use is in compliance with the Special Permit and is in compliance with all applicable statutes, laws, local laws, ordinances, codes, rules and regulations.
- c) Whether the use has been moved, relocated, rebuilt, repaired or otherwise modified since the issuance of the Special Permit.

2) A filing fee as set by the Town Board, from time to time, via a Resolution.

3) The review shall be an administrative review, not requiring a public hearing or notice to the neighbors.

4) If, after such review, the Town Board determines that the use is in compliance with the Special Permit and all applicable statutes, laws, local laws, ordinances, codes, rules and regulations, then the Town Board shall issue a recertification of the Special Permit, which may include any new provisions or conditions that are mutually agreed upon, or required by applicable statutes, laws, local laws, ordinances, codes, rules and regulations. If, after such review, the Town Board determines that the use is not in compliance with the Special Permit and all applicable statutes, local laws, ordinances, codes, rules and regulations, then the Town Board may refuse to issue a recertification of the Special Permit, and in such event, such use shall not be used after the date that the applicant receives written notice of such decision by the Town

Board. Any such decision shall be in writing and supported by substantial evidence contained in a written record.

J. The Board may hire any consultant and/or expert necessary to assist the Town Board in reviewing and evaluating the application and any recertification.

(1) The Town requires an applicant to deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town Board in connection with the review of any application. The initial deposit shall be the sum of \$5,000. However, the Town Board may, in its discretion reduce said fee upon good cause shown. These funds shall accompany the filing of an application and the Town shall maintain a separate escrow account for all such funds. The Town's consultants/experts shall, in accordance with an agreement between the Town and its consultants or experts, bill or invoice the Town not less frequently than monthly for its services in reviewing the application and performing its duties. If at any time during the review process this escrow account has a balance that shall not reasonably cover the cost of the remaining work of the Town's consultants/experts, the Town will require applicant to immediately replenish said escrow account in an amount set by the Town, but not to exceed \$2,500. Such additional escrow funds must be deposited with the Town before any further action or consideration is taken on the application. If, at the conclusion of the review process, the cost of such consultant/expert services is more than the amount escrowed pursuant hereto, the applicant shall pay the difference to the Town prior to the issuance of any Special Permit. In the event that the amount held in escrow by the Town is more than the amount of the actual billing or invoicing by the Town's consultants or experts, the difference shall be promptly refunded to the applicant.

(2) . A request may be made by the applicant to reduce or eliminate the funds needed for the consultant/expert escrow. After a recommendation by the Attorney for the Town, Engineer for the Town and/or any other consultant/expert engaged by the Town pursuant to this chapter, the Town Board shall review the request and make a determination based upon the scope and complexity of the project, the completeness of the application and other information as may be needed by the Town Board or its consultant/expert to complete the necessary review and analysis. Additional escrow funds, as required and requested by the Town, shall be paid by the applicant. The initial amount of the escrow deposit may be established by Town Board upon receipt of information sufficient to make such a determination.

K. Other costs. The applicant seeking the Special Permit and/or Recertification must reimburse the Town all costs associated with the Special Permit, including the cost of the public hearing publication. Such reimbursement may be a condition of granting such Special Permit.

§ 68-13. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any

court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 68-14. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.



Williams Appalachian Basin Area
51 Warren Street
Tunkhannock, PA 18657

Dear

I am writing to share with you the findings of our most recent sound survey, conducted on Aug. 17, 2012. While we were pleased that the study found significant improvement, we recognize that there is more work to be done and have a plan in place that is described more fully below.

The sound criteria Williams must meet was determined by a long term study of ambient sound levels, conducted from Dec. 2010 through Jul. 2011, and before the Dunbar Compressor Station was operational. The seven month study showed the ambient night time sound level to be 40.2 decibels.

Based upon the long term ambient sound level survey, the Town of Windsor's criteria for night time is ambient noise level (40.2 decibels) plus three decibels, for a night time criteria of 43.2 decibels. Because the night time criteria is more stringent than the daytime criteria, the night time criteria was used to determine Dunbar Compressor Station's compliance with the Town of Windsor's sound requirements.

The first sound survey conducted after the Dunbar Compressor Station was operational was begun on Apr. 20, 2012, and soon after Williams obtained ownership of the Dunbar Compressor Station. The Apr. 20, survey showed the Dunbar Compressor Station failed to meet the decibel requirements at five of the 10 locations surveyed. Since that time, Williams has begun implementation of a sound mitigation plan that included installation of sound insulation on the coolers and piping.

The results of the most recent survey conducted on Aug. 17, show that this sound mitigation work has had a positive impact and the Dunbar Compressor Station is now in compliance with the Public Service Commission's Certificate of Environmental Compatibility and Public Need condition which specifies that the station must meet 40 decibels at all existing residences.

However, the State also requires the Dunbar Compressor Station to meet the Town of Windsor's sound standards; a goal we are still working to meet. Readings show the Dunbar Compressor Station is now meeting the Town of Windsor's decibel requirements at eight of the 10 property line survey locations. Both of the locations at which the Dunbar Compressor Station's readings exceed the Town of Windsor's standards are at the eastern property boundary line.

Both surveys were taken when all four of the Dunbar station compressor engines were operating.

The sound mitigation plan and the Aug. 17, sound survey indicate that we will be able to further reduce decibel levels by installing exhaust silencers on compressor engine units one through three. Although we cannot predict with certainty the degree to which the exhaust silencers will reduce decibel levels, we are installing the equipment based upon our sound consultation's recommendation and belief that it will have a positive impact.

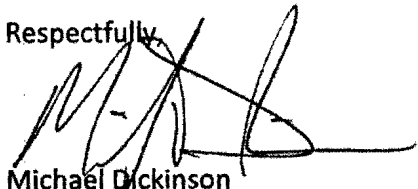
Work to install the silencers will begin in the first few weeks of October. It is a significant construction project and you can expect to see heavy equipment moved to and from the facility. You may also be able to hear some of the construction activities between the hours of 7 a.m. and 7 p.m. We do apologize for any inconvenience and will work to move the project forward as quickly as is safely possible.

We expect the work to be complete within three months. Soon after, we will conduct another sound survey to determine the impact the silencers have had on decibels levels. Our next steps will be dictated by what that survey reveals.

We remain committed to meeting the decibel requirements established by the Town of Windsor and will continue to make the necessary investments to meet that goal.

If you have any questions or concerns, please phone Helen Humphreys at 412.303.6676 or email her at Helen.Humphreys@williams.com.

Respectfully,

A handwritten signature in black ink, appearing to read 'Michael Dickinson', written over a horizontal line.

Michael Dickinson
Operations Manager