



Supervisor Carolyn Price

Town of Windsor  
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Windsor, New York 13865

September 8, 2017

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Hon. Kathleen H. Burgess  
Secretary, NYS Board on Electric Generation  
Siting and the Environment  
3 Empire State Plaza  
Albany, NY 12223  
secretary@dps.ny.gov

**RE: Preliminary Scoping Statement Comments Case 16-F-0559 (Bluestone Wind, LLC)**

Dear Secretary Burgess:

Please consider this the Town of Windsor's ("Town") comments to the Preliminary Scoping Statement (PSS) as submitted in the above referenced matter. The Town reserves the right to supplement these comments; and to specifically respond to these and other points as part of the Article 10 application and any other filings.

The Town has several local laws that could apply to the Article 10 application. These applicable local laws include Chapters: 43 (Depositing and/or Tracking of Certain Materials on Town Highways and Streets), 49 (Property Maintenance), 50 (Fire Prevention), 51 (Flood Damage Prevention), 53 (Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code), and 93 (Zoning). The Town believes, if applicable, that there should be compliance with these local laws and that these local laws are not unreasonably restrictive/ burdensome. The Town's Noise local law (Chapter 68), contains an exception for the "Construction, modification or operation of improvement(s), structure(s) or land use(s) where some form of State or Federal approval or review is conducted; including but not limited to: Public Service Law Articles VII or 10 matters, Environmental Conservation Law Articles 23, or

27 matters; this is applicable regardless of whether such State or Federal review/approval is completely or partially preemptive.” 65-9. Thus this local law may not be applicable; however, the Town acknowledges that New York Department of Public Service (DPS) will have the final decision on applicability and reasonableness of local laws.

The Town believes that a Road Use Agreement (“RUA”) is necessary for construction of this type. It also may be applicable during operation and decommissioning of the sites. There is precedent where a RUA with a bond (and other financial assurances) has been required for pipeline and compressor station. As such, the Town would require a RUA with the Town. The Applicant should contact the Supervisor to discuss a possible RUA, and the specific haul routes proposed. The Town also wants to make sure that reasonable notice of road closure, traffic interruptions and blasting times is provided to the Town, the School, neighbors, the public, other municipalities, first responders, and the media.

The Applicant discusses possible noise and visual impacts in the PSS; and mentions that it will be doing studies. The Town understands that ambient noise testing has already begun. Seasonal homes and farm structures should be included in any sound or visual studies; not just structures with certificates of occupancy. The Town would like the opportunity to review those studies and comment.

The Applicant should have additional conversation with first responders and discuss training opportunities. First responders should be provided training and tools necessary to address any types of issues unique to wind energy; and that training and tools should be provided by the Applicant.

The Applicant should discuss a PILOT agreement with the Town. The Town did not opt out of Real Property Tax Law section 487; allowing the Town to negotiate a PILOT. It is the Town understanding the school(s) and the County are similarly situated and are able to negotiate a PILOT with the Applicant. The Applicant should contact the Supervisor to discuss.

Please do not hesitate to contact me if you have any questions or concerns. Thank you for your attention to these matters.

Very truly yours,

A handwritten signature in cursive script that reads "Carolyn W. Price".

Carolyn W. Price  
Supervisor, Town of Windsor