

1 COUNTY OF CHAUTAUQUA INDUSTRIAL DEVELOPMENTAL AGENCY

2 PUBLIC HEARING

3 IN RE: CASSADAGA WIND, LLC

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Public Hearing held in the above-captioned matter
at the Stockton Volunteer Fire Company Fire Hall, 28
S. Main Street, Stockton, NY 14784, on March 23, 2017,
commencing at 11:00 a.m.

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Reported by Sonya Hoffman
Court Reporter

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MS. MORABITO: Good morning. My name is Kristine Morabito. Can you hear me, Bruce? I am the Business Development Manager for the County of Chautauqua Industrial Developmental Agency, hereafter the Agency. And I have been directed by the members of the Agency to hold a public hearing.

Today is March 23, 2017, and the time is now 11:00 a.m. We are in the Town of Stockton at the Stockton Volunteer Fire Company Fire Hall, 7243 Route 380, Stockton, New York 14784, also known as 28 Main Street, Stockton, New York 14784.

This is a public hearing pursuant to Section 859-a of the New York General Municipal Law as amended. The Agency has received an application for financial assistance in connection with the following matter, which I will refer to as the Project:

Cassadaga Wind, LLC, a limited liability company existing under the laws of the State of Delaware and operating in the State of New York as a foreign limited liability company, I'll refer to Cassadaga Wind, LLC hereinafter as the Applicant, presented an application to the Agency, which application requested that the Agency consider

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undertaking a project consisting of the following:

A-1, the acquisition of an interest in approximately 40,000 acres of land by the Applicant located in the Towns of Charlotte, Cherry Creek, Arkwright and Stockton, the County of Chautauqua, New York, which I will collectively refer to as the Land.

2, the acquisition and installation therein and thereon of certain furniture, fixtures, machinery and equipment, including approximately fifty-eight (58) wind turbine generators with a combined maximum capacity of 126 megawatts (MW).

3, the acquisition, construction, installation and equipping on the Land of: (i) an operations and maintenance building, (ii) a system of buried and overhead electrical collection lines, and (iii) approximately 5.5 miles of 115 kV transmission line, (iv) meteorological towers and (v) an interconnection substation facility and collection substation facility on the Land and a system of gravel access roads, parking, landscaping and related improvements to the Land, all of the foregoing for use by the Applicant as a wind-powered electric generating facility, collectively referred to as the Project Facility.

1 B, the granting of certain "financial
2 assistance" within the meaning of Section 851(14)
3 of the Act, with respect to the foregoing
4 including potential exceptions or partial
5 exemptions from sales and use taxes, mortgage
6 recording taxes and real property taxes, but not
7 to and including special assessments and ad
8 valorem levies.

9 And C, the lease of the Project facility by
10 the Applicant to the Agency and the sublease of
11 the Project facility by the Agency to the
12 Applicant.

13 The Applicant's request for real property tax
14 financial assistance includes the Applicant's
15 annual payments to the Agency on behalf of the
16 taxing jurisdictions of payments in lieu of taxes,
17 or PILOT payments. The proposal here is for the
18 Applicant to pay as a PILOT payment \$4,000 per
19 megawatt hour of installed capacity of the Project
20 in year one and have that amount increased over 20
21 years based on an annual escalator.

22 The Applicant estimates that it will pay to
23 the Agency \$504,000 in PILOT payments in year one,
24 assuming that the project facility is then at its
25 full operating capacity. Upon receipt of PILOT

1 payments from the Applicant, the Agency will then
2 proportionally distribute those payments to the
3 taxing jurisdictions based on project location as
4 provided by law. The structure of this payment in
5 lieu of taxes proposal is a deviation from the
6 Agency's Uniform Tax Exemption Policy, and has not
7 yet been accepted by the Agency and will still
8 need to be approved by the Agency at a later date.

9 Notice of this public hearing was published
10 in the Observer on March 10, 2017 and mailed to
11 the Chief Executive Officer of each affected tax
12 jurisdiction on March 10, 2017.

13 The purpose of this hearing is to provide an
14 opportunity for all interested parties to present
15 their views both orally and in writing with
16 respect to the Agency's involvement in this
17 Project and the financial assistance proposed in
18 the Application.

19 I am here on behalf of the Agency and not the
20 Applicant. I cannot address any of the specifics
21 of the Project itself; that is the task of the
22 Applicant. During the course of this hearing, the
23 Agency will be unable to respond to comments or
24 questions. The Agency will, however, transcribe
25 all of the comments made by those interested in

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the Agency's proposed involvement with the Project and provide that transcription to the Agency's Board of Directors.

Is there anyone wishing to be heard with respect to the Project? Yes, Mr. Roll.

I'm sorry. Although I addressed you, would you please identify yourself.

MR. ROLL: Bruce Roll, R-O-L-L, Arkwright.

My wife and I are opposed to the industrialization and destruction of the beautiful, clean, healthy, habitable safe place that we live by the Cassadaga Wind, LLC. This project would turn these Towns and this County into a neurologically toxic industrial site with the distortion and destruction of all of the natural elements that nourish the body and senses and make this a healthy, tranquil place to live.

We are very fortunate to live in Chautauqua County surrounded by nature. And we understand, realize, appreciate and value what we have here. A place like this cannot be purchased or created by man. It can only be preserved and protected. These projects will destroy everything that we value. We are distressed and sickened by being put in this hopeless situation and are fighting

1 for our lives. Bruce Roll, Arkwright.
2 MS. MORABITO: Thank you. And you are submitting
3 that as a comment as well?
4 MR. ROLL: Please.
5 MS. MORABITO: Thank you, sir. Is there anyone
6 else wishing to be heard with respect to the
7 Project? Yes, ma'am. Please identify yourself
8 first.
9 MS. WOODWARD: My name is Joelle Woodward, and I
10 reside in the Town of Arkwright. I'm here on
11 behalf of myself and some other people who have
12 been meeting over the last few months regarding
13 the three projects; Cassadaga, Arkwright and
14 Villenova.
15 We are not opposed to green energy. We think
16 if it's done in a safe and reliable manner, that's
17 a good thing. However, the way the projects are
18 layed out, we don't believe that that's in the
19 best interest of the Towns, anybody, except for
20 the leaseholders. And even in some respects with
21 the leaseholders, we feel that their compensation
22 is not fair and equitable compared to what they
23 had to give up to be able to be a leaseholder.
24 I realize the idea itself doesn't necessarily
25 oversee that piece of it under these current

1 circumstances, but I think there really should be
2 a push across the State to have some kind of
3 uniform guidelines; you know, setbacks, what the
4 compensation would be not only to the leaseholders
5 but to the municipalities. I feel like because in
6 a sense we're in somewhat of an economic depressed
7 area, people see little dollars and think it
8 really means more than what it does.

9 For example, you have in your Applicant's
10 paperwork 58 turbines. Well, 58 turbines at the
11 very least are worth at least \$2 million a piece
12 in an assessed value, probably more because
13 depending on the size of it. So if you just do
14 simple math, \$2 million times 58 turbines, based
15 on even as little as a \$15 tax rate per thousand,
16 that's \$1,740,000 that should be paid probably
17 just in one municipality helping the school
18 district. So I feel like 540,000 -- or is it 504,
19 sorry, is like peanuts compared to what it really
20 should be.

21 And so I would say in an average school
22 district, that rate per thousand is probably more
23 than \$15. So when you combine a school district's
24 rate, a county's rate, a town's rate, everything,
25 you're probably at double that at the very least.

1 So know we're really talking about almost
2 \$3.5 million that should be paid in taxes per year
3 for a project of this size. I feel like \$504,000
4 is ridiculous, absolutely ridiculous. And the
5 number of jobs that it's going to create, I mean
6 that's the whole premise behind the idea and the
7 incentives that it's going to create jobs for our
8 area.

9 Well, it may be creating some temporary jobs
10 and there may be a little bit of influx into our
11 area for economic benefit, but long term it's
12 nothing. And in long term, the number of jobs
13 it's going to create may be less than 10, probably
14 less than five. And you're talking about
15 base-level jobs, maybe 30,000 a year. What
16 they're paying in income tax or maybe what five
17 residents are paying in property tax, it's nowhere
18 near going to come close to the \$3.5 million. I
19 mean, it's -- those are real dollars. I'm not
20 making it up. That's real money. That's real
21 loss to our area.

22 Couple that with perceived loss in property
23 values; couple that with the fact that people
24 can't sleep, so their job performance at work in
25 our area is going to be less productive; couple

1 that with the fact that they're going to be
2 miserable and not want to go out and do things to
3 enjoy our area, they're not going to want to go
4 out to dinner, they're not going to want to go out
5 hiking, they're not going to want to go out
6 camping because they're going to be flat out
7 miserable from lack of sleep.

8 So I just feel like long term, this is a huge
9 impact. And I feel like in many respects in terms
10 of the setbacks, a higher setback does not
11 necessarily mean that there's no project. All
12 that means is that more landowners could be
13 compensated. All that means is that we have
14 better protections in place.

15 So what if we're right? What if there are
16 significant negative impacts from the sound, the
17 sound you can hear, the sound you can't hear?
18 What if there are negative impacts from the
19 flicker? What if there are reduction in property
20 values? There is nothing in the landowner
21 agreements or even the host agreements that
22 protects anybody from any of that. And I just
23 feel like that's a real injustice.

24 That's -- and once it's done, you're not
25 going to be able to come back from that. The

1 decommissioning plans, if you can even call it a
2 decommissioning plan, \$9,000 per turbine, okay,
3 well that's taking the net value, so we're
4 subtracting out what might be the salvage value of
5 it. I feel like why should the towns just break
6 even on a decommissioning plan? If it goes to
7 that point and it needs to be decommissioned, why
8 is it that the towns and the people of the town
9 are just barely breaking even?

10 These are multimillion- and billion-dollar
11 companies. And I feel like the approach has been
12 how we would negotiate with our friend, how we
13 would negotiate with someone we have to live next
14 to; it's not negotiating with a big company.

15 And I feel like in some respects they're
16 laughing at us because they think that we're
17 naive, inexperienced. And to many extents we are,
18 but I think that there's enough educational,
19 intelligent resourceful people in this area that
20 are doing good research and I feel like somebody
21 needs to listen to them.

22 And I just feel like the IDA is our saving
23 grace because they're the ones who are supposed to
24 have, of anybody, the expertise. They're the ones
25 who are supposed to have the resources to uncover

1 . the mysteries, to be able to shed light and to
2 protect our entire county. I'm not talking about
3 just Arkwright. I'm talking about Villenova,
4 Charlotte, Stockton. It's countywide. Between
5 the three projects, we're talking almost 120
6 turbines. That's huge. And that's not even
7 talking about what would be in the Town of Hanover
8 based on what they're recently going through.

9 I think I've gotten my point across. Is
10 there anything else I need to elaborate on?
11 Otherwise, I could probably stand up here for an
12 hour.

13 MS. MORABITO: We're here to receive your
14 comments, whatever comments you'd like to share.

15 MS. WOODWARD: Okay. I really think that's about
16 it. In summary, I feel like this PILOT agreement
17 really needs to go back to the drawing board and
18 they really need to make it right so it's fair for
19 everybody. Thank you.

20 MS. MORABITO: Thank you for your comments. Yes,
21 Mr. Roll.

22 MR. ROLL: I just want to compliment her on her
23 presentation. I have some handouts I'd like to
24 enter for the record, one for everybody. These
25 are from the local newspaper.

1 MS. MORABITO: And what's the title of it?
2 MR. ROLL: Downward Spiral.
3 MS. MORABITO: Okay. Thank you.
4 MR. ROLL: Thank you.
5 MS. MORABITO: Thank you, Mr. Roll. Mr. Roll, was
6 this article from the Observer or which
7 publication? Do you know?
8 MR. ROLL: I'll tell you in a second.
9 MS. MORABITO: Okay. Thank you.
10 MR. ROLL: March 12th, the Sunday Observer.
11 MS. MORABITO: March 12th of 2017.
12 MR. ROLL: Yes.
13 MS. MORABITO: Thank you, Mr. Roll.
14 MR. ROLL: And it details some of the problems and
15 things that Ms. Woodward referenced at another
16 wind power site in Franklin County and Jericho.
17 MS. MORABITO: Ms. Woodward.
18 MS. WOODWARD: I do have something. So in terms
19 of the PILOT agreement that was already signed for
20 the Arkwright project, how would someone get a
21 copy of that to be able to know what the terms and
22 conditions are?
23 MS. MORABITO: Mr. Mazgaj.
24 MR. MAZGAJ: Again, we are just collecting
25 comments with respect to this project. Do you

1 want to talk about that afterwards?

2 MS. WOODWARD: Sure. And I have the same question
3 about the proposed PILOT, how would someone get a
4 copy of that to see what the terms are?

5 MR. MAZGAJ: Sure.

6 MS. WOODWARD: What is the time line for this
7 process, for the approval process of this
8 Applicant's paperwork?

9 MS. MORABITO: I don't think we know yet the date.
10 Unless you do, Matt. I don't think we know the
11 date. But the next step is we'll have a potential
12 final authorizing resolution by the County of
13 Chautauqua Industrial Development Agency with
14 respect to the PILOT and tax lease benefits
15 requested. And I don't know the date yet.

16 MR. MAZGAJ: Right. And that won't go forward
17 until the Article 10 process by the State is
18 decided, and only if it's decided favorably on
19 behalf of the Applicant. So we won't act at all
20 unless and until there is a decision by the State.

21 MS. WOODWARD: Okay. So do you have any idea what
22 that time line might look like?

23 MR. MAZGAJ: There's a 12-month deadline from when
24 the application is accepted. And it was accepted
25 in November 2016, so sometime later this year.

1 MS. WOODWARD: So the process -- the Article 10
2 process has to be completed by then? What if it's
3 not? Is there a way to extend that process if all
4 the information is not available?
5 MR. MAZGAJ: I don't know.
6 MS. WOODWARD: Okay. And I'm sorry, I don't know
7 who you are. Who are you?
8 MR. MAZGAJ: My name is Matt Mazgaj and I'm an
9 attorney with Phillips Lytle in Jamestown. I
10 represent the County of Chautauqua Industrial
11 Development Agency.
12 MS. WOODWARD: Okay. And how do you spell your
13 last name, Matt?
14 MR. MAZGAJ: M-A-Z-G-A-J.
15 MS. WOODWARD: And how long have you been
16 representing the IDA?
17 MR. MAZGAJ: I don't know why that's relevant, but
18 personally I've represented them for about eight
19 months.
20 MS. WOODWARD: I'm not trying to be insulting at
21 all. I'm just curious.
22 MR. MAZGAJ: I moved back to the area about eight
23 months ago and started representing them then.
24 MS. WOODWARD: Okay. Where were you before that?
25 MR. MAZGAJ: Do you want this all to be given to

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the Board of Directors, or do you want to talk afterwards?

MS. WOODWARD: Whatever you want. I'm just curious.

MR. MAZGAJ: Why don't we wrap this up and then we can chat.

MS. MORABITO: Is there anyone else wishing to be heard with respect to the Project? Hearing none, on behalf of the Agency, I would like to thank the members of the public for this public hearing and for their comments with respect to the Project. It is now 11:20 a.m. I now call this hearing to a close.

Submitted Written Comments

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Attendance Sheet

Cassadaga Wind, LLC Public Hearing

Town of Stockton

March 23, 2017



County of Chautauqua Industrial Development Agency

Public Hearing Attendance Sheet

Project: Cassadaga Wind, LLC

Public Hearing Location: Town of Stockton at the Stockton Volunteer Fire Company Fire Hall, 7243 Route 380, Stockton, NY 14784 (also known as 28 S. Main Street, Stockton, NY 14784)

Public Hearing Date and Time: March 23, 2017 at 11 a.m.

Full Name (Please Print)	Signature	Affiliation
1. Katherine Szwejka	<i>Katherine Szwejka</i>	CCIDA Intern
2. Matt Mazgaj	<i>Matt Mazgaj</i>	PL
3. Kristine Morabito	<i>Kristine Morabito</i>	CCIDA
4. BRUCE ROLL	<i>Bruce Roll</i>	MARK WRIGHT
5. Joelle Woodward	<i>Joelle Woodward</i>	Markwright
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"It's like living inside a drum."

Downward spiral

Once turbines
arrive, say
goodbye to
peace, quiet

By KEVIN SIGOURNEY

I sat in my living room reading this article last night with painfully throbbing ears and a headache, due to turbine noise that penetrates through the walls of my house. The noise kept me awake until 3 a.m. I had to write a reply to the tripe that was published in the OBSERVER (Feb. 19).

I bought my home to reside, because of its semi-secluded, quiet and peaceful nature. There is a river across the road from me and wooded area that surrounds me. I enjoyed listening to the river and birds, which is about all I ever heard, until a wind farm was erected around my property. There is a never-ending, jet-like sound that rips through my property and house. There is nothing natural about the noise that comes from these turbines and they are loud! The

energies. It is in the state curriculum. I even went to an all-day wind power teacher's workshop to get a better understanding of wind energy eight years ago. The wind industry has been setting us up for a fall a long time ago.

By the way, standing directly underneath a turbine is the quietest place to listen to them. Stand back 500, 1000, 1500 feet and downwind from them, and if you still think they are not loud, then you must be deaf. If anyone would like to come to my home in Chateaugay to get a true experience of what these monsters sound like, you are welcome to visit. A town councilman from a neighboring town was here yesterday and he said, "When I first came inside, it almost sounded louder inside than outside." Yes, it does. It's like living inside a drum.

As far as a tax base for your community is concerned, there will be none. They will not pay any business property tax whatsoever. The wind farm company will cram a Payment in Lieu of Taxes (PILOT) Program down your throat. The county, town and possibly school district will receive a pittance compared to what the wind developer receives in government sub-

one town board member stated, "We wouldn't want these in our backyard either." I called the town supervisor later in the day and asked to be notified 24 hours in advance and that I want to be present when these tests were done. They have not been back since. It has been almost two months. I have been lied to and ignored.

During this time, I was introduced to a well credentialed acoustic engineer through a friend. He sent me data on what a proper sound test should include. I have continued to call the EDP Renewable complaint hotline. They were supposed to take more tests last week. I sent EDP Renewables operations manager, town engineer and town supervisor data from the acoustic engineer about what I would be expecting for a proper sound test. I am being ignored once again. So, if anyone thinks that the process of developing a wind farm (before, during or after) is honest and trustworthy, you really should be talking to people that are living in the middle of a wind farm.

Please, do not be fooled by any wind farm company! Also, if you are a non-participating landowner, do not sign their "Neighbor Agreement." You will

lose all your rights for under

EDP Renewables and the town of Chateaugay's Jericho Rise Wind Farm was planted too close to my house. There are four 482-foot turbines approximately 1,800 to 2,600 feet from my home. The industry standard for turbine "setbacks" from residences are ridiculously too close.

Much of the time, sound levels at the west and south side of my home is above the allowable 50 dBA which the town of Chateaugay has deemed to be acceptable and legal. The lower frequency dBC levels for sound, or infrasound, are not even taken into account. According to acoustic engineering experts, dBC sound levels have a much higher pressure rating than dBA readings. This noise is detrimental to human health and is well documented throughout the world. I am living proof. The noise inside and outside of my home is a completely menacing nuisance.

I am not a "naysayer." I am living with these behemoths that surround my property. In fact, I have been living with wind turbines from an older wind farm approximately 3-4 miles from me for the past 6 1/2 years. About 7 months out of the year, due to leafless trees, I can see 15 of them from my front porch. They really don't bother me. I can't say I like them, but I can't hear them either.

I was never an opponent of wind power. I am a science teacher of 11 years and teach about sound and alternative

birds will just fly around the towers is also ridiculous. Birds of prey are looking down to the ground for food, not what's in front of them. Migratory birds are flying in excess of 40 miles per hour. They do not have the ability to just stop in mid-air and fly around.

Putting "hope and trust" in the wind company is dangerous. I have made many complaints to EDP Renewables and Chateaugay about the nuisance noise. They have been to my house once to take a sound test. It was taken on a day with 2-3 mph wind speeds, and in between my house and garage which blocks all of the south wind. The town engineer said the reading was 38.5 dBA.

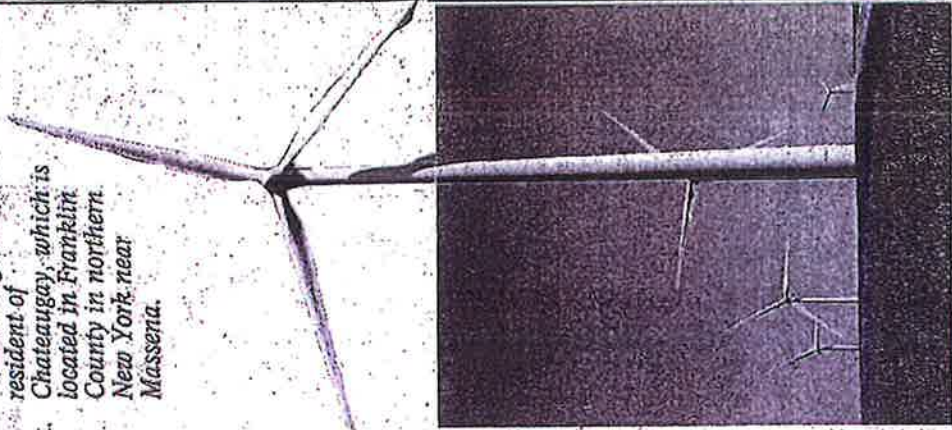
Folks, it is not a far stretch from 38.5 dBA to over 50 dBA when the winds are from the west or south in excess of 12 miles per hour. I know, because I have been taking my own sound level readings since Jan. 1.

The town and EDP Renewables said they would be taking multiple tests. Two days later, with no notice, town board members popped into my backyard at 9:30 a.m. with a sound meter. I wondered what they were doing here, because it was a legal holiday and again, practically no wind. They acted as though they didn't realize I was home. They didn't even knock on my door. They stated they would be back just before they left,

problems I am experiencing right now, you will lose the ability to do or say anything to anyone about it. It is a "gag order" for a very small annual payment.

In closing, I need to say that I gain nothing by writing this. It is only to help those that may be in danger of having to live with a wind farm near their home.

Kevin Sigourney is a resident of Chateaugay, which is located in Franklin County in northern New York near Massena.



MR. KEVIN SANDIDGE

CHAUTAUQUA COUNTY IDA

3/23/17

MY WIFE AND I ARE OPPOSED TO THE INDUSTRIALIZATION AND DESTRUCTION OF THE BEAUTIFUL, CLEAN, HEALTHY, HABITABLE, SAFE PEACEFUL PLACE THAT WE LIVE BY CASSADAGA WIND LLC.

THIS PROJECT WOULD TURN THESE TOWNS AND THIS COUNTY INTO A NEUROLOGICALLY TOXIC INDUSTRIAL SITE WITH THE DISTORTION AND DISRUPTION OF ALL OF THE NATURAL ELEMENTS THAT NOURISH THE BODY AND SENSES AND MAKE THIS A HEALTHY TRANQUIL PLACE TO LIVE.

WE ARE VERY FORTUNATE TO LIVE IN CHAUTAUQUA COUNTY SURROUNDED BY NATURE AND WE UNDERSTAND, REALIZE, APPRECIATE AND VALUE WHAT WE HAVE HERE.

A PLACE LIKE THIS CANNOT BE PURCHASED OR CREATED BY MAN. IT CAN ONLY BE PRESERVED AND PROTECTED.

THIS PROJECT, THESE PROJECTS WILL DESTROY EVERYTHING THAT WE VALUE.

WE ARE DISTRESSED AND SICKENED BY BEING PUT IN THIS HOPELESS SITUATION AND ARE FIGHTING FOR OUR LIVES.

BRUCE ROLL ARK WRIGHT
CHERYL GOLUBSKI

