

*** Donna Vickman Francis Pete Lounsbury, Jr. Mark Henry Heberling ***
Farmersville, New York

Via E-Mail, Regular Mail and Posted to the DMM

Dated: November 17, 2019

Hon. Dakin Lecakes, Administrative Law Judge
Hon. Gregg Sayre, Administrative Law Judge
John B. Rhodes, CEO and Siting Board Chair and
Honorable Members of the New York State Board
on Electric Generation Siting and the Environment
NYS Department of Public Service
Three Empire State Plaza, Third Floor
Albany, NY 12223

Hon. Michael Caruso, Administrative Law Judge
NYS Dept. of Environmental Conservation
625 Broadway, First Floor, Albany, NY 12233-1550

Re: Case 17-F-0282 - Application of Alle-Catt Wind Energy LLC

To the Honorable Judges Lecakes, Sayre and Caruso and Honorable Members of the Siting Board:

We are the recently elected Town Board members for the Town of Farmersville, who will be assuming the following public offices in January of 2020: Francis Pete Lounsbury, Jr., Town Supervisor, Mark Heberling, Town Councilman and Donna Vickman, Town Councilman. We are writing to make you aware of certain facts that may bear upon the upcoming proceedings in the above referenced Article 10 matter. For the past two years, a significant majority of the residents and landowners in Farmersville New York have been petitioning the current Farmersville Town Board to pass a wind energy facilities law ("WEFL") that would responsibly govern large scale renewable projects (such as Alle Catt) in this town, in keeping with preserving the Town's rural and agricultural heritage, and in harmony with Cattaraugus County's Comprehensive Plan, while protecting the health safety and welfare of the residents, including our vulnerable and highly valued Amish population. The Swartzentruuber Amish comprise over ten percent of our Town's population.

As has been widely reported in the media, the majority of current Farmersville government is rife with potential and actual conflicts of interest relating to personal and/or familial financial interests in the Alle Catt wind turbine project. Invenergy's failure to timely disclose the Farmersville financial interests, among others, led to an investigation by the New York State Attorney General, which culminated in a recent finding that that Invenergy's Alle Catt development activities, materially violated the Attorney General's Code of Conduct for Wind Developers. After considering the relative severity of Invenergy's violations and the harm occasioned to the public integrity by this behavior, Invenergy was cited and fined by the Attorney General. That citation is attached to this letter for reference.

Late in 2018, the current conflicted Farmersville Town Board conducted a survey of the town's taxpayers that demonstrated that the Alle Catt project did not have community support. Yet, despite that lack of support, our conflicted town government officials continued to entertain Invenergy's requests for a WEFL accommodating the design of the Alle Catt project. Thus, as a result of the Town Board's indifference to the resident's and landholder's expressed concerns, Farmersville stakeholders organized and decided to run and support the three of us as a unified Town Board slate. None of us have any investment

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in the Alle Catt project. We have pledged to pass a responsible WEFL in keeping with the clearly expressed wishes of a majority of the residents and landowners in Farmersville delineating greater protections, such as, but not limited to, protective setbacks to property lines (3000 feet or more), noise limits (35-40 dbl) property value guarantees, state forest protections, shadow flicker limits, turbine height limits and special Amish community protections.

In the June 2019 Primary Election, candidates supporting the Alle Catt project resoundingly lost to our slate. Immediately after the Primary Election, in the face of vociferous protests by residents and landowners, the Farmersville Town Board illegally passed a WEFL (Farmersville Local Law 3-2019) as requested by Invenergy, which mimics the Alle Catt project's design and which contains none of the protections long demanded by the majority of our residents and landowners. A lawsuit to invalidate that law is being commenced by the citizen's group, "Farmersville United." It is expected that this lawsuit will be successful in invalidating Farmersville Local Law 3-2019, for the same reasons that the Freedom United lawsuit was successful in recently overturning the 2018 Freedom local law on wind.

Despite the Primary Election loss, candidates supporting Alle Catt decided to run for office against our slate in the General Election. That effort was unsuccessful. The November 5, 2019 General Election was nothing short of a public referendum against the Alle Catt project. A record number of voters came to the polls who elected the three of us in landslide victories against Alle Catt candidates. The three of us will constitute a majority of the Farmersville Town Board as of January 1, 2020. We believe that we have a clear mandate from our constituents to "right the ship" and undo the wrongs and self-dealing of the current Farmersville Town Board. One current Town Board member whose parents are Invenergy leaseholders has stated in writing that as long as Invenergy "pays" Farmersville, Invenergy can site "as many turbines in our town as they want." Wrong. **We state categorically that neither Farmersville, nor the health, safety and/or welfare of Farmersville residents, are for sale.**

Upon taking office in January, we will immediately move to enact an emergency moratorium (of six months or less) on all wind development in the Town of Farmersville, while we finalize a WEFL that reflects the wishes of the majority of our constituents as well as the surrounding communities who are our neighbors (such as Franklinville, Machias and Yorkshire) and which finally honors the suggestions of the Cattaraugus County Planning Board (all of which were disregarded by our current Town Board when hastily passing Farmersville's Local Law 3-2019). In advance of taking office we have already begun that work, in order to expediate that process. We are writing this letter to place all adjudicators of, and parties to this proceeding, as well as the Siting Board itself, on notice of these facts and our intention, so that there can be no belated claim surprise and/or prejudice. In the interim, if there should be any questions, please feel free to reach out to us at our e-mail addresses or telephone numbers as noted below.

Sincerely,

s/Francis Peter Lounsbury, Jr. (yahjeep@yahoo.com)(716-353-2652)
s/Mark Heberling (coldennyguy@yahoo.com)(716-796-1206)
s/Donna Vickman (donnvi@aol.com)(716-498-3209)