

1 16-F-0559 - Blue Stone Wind, LLC - 12-16-2019

2 NEW YORK STATE BOARD ON

3 ELECTRIC SITING AND THE ENVIRONMENT

4
5 CASE 16-F-0559, APPLICATION OF BLUE STONE WIND,
6 L.L.C., FOR A CERTIFICATE OF ENVIRONMENTAL
7 COMPATIBILITY AND PUBLIC NEED, PURSUANT TO ARTICLE
8 TEN, FOR THE CONSTRUCTION OF BLUE STONE WIND FARM
9 PROJECT, LOCATED IN THE TOWNS OF WINDSOR AND AND
10 SANFORD, BROOME COUNTY

11 DATE: December 16, 2019 at 10:00 a.m.

12 LOCATION: 3 Empire State Plaza,
13 19th Floor
14 Albany, NY

15 LOUIS ALEXANDER, alternate of Basil Seggos,
16 Department of Environmental Conservation

17 DR. ELIZABETH LEWIS-MICHL, alternate of Dr. Howard
18 Zucker, Department of Health of New York.

19 VINCENT RAVASCHIERE, alternate of Eric Gertler,
20 Empire State Development Corporation

21 JOHN WILLIAMS, alternate of Richard Kauffman, New
22 York State Energy Research and Development Authority

23 CHAIRMAN JOHN RHODES

24 A.L.J. SEAN MULLANY, Administrative Law Judge PSC
A.L.J. JAMES MCCLYMONDS, DEC Chief Administrative Law

Judge

25 BARBARA MIRCH, AD HOC MEMBER

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2 CHAIRMAN RHODES: We are at time, so
3 I'd like to call this meeting of the Board on
4 Electric Generation Siting and the Environment to
5 order. Before moving to today's agenda, I would like
6 to introduce the alternates representing the
7 permanent members of the Siting Board.

8 I have Lou Alexander, alternate of
9 Basil Seggos, Department of Environmental
10 Conservation.

11 We have Betsy Lewis-Michl, alternate
12 of Howard Zucker, Department of Health.

13 In New York we have Vince Ravaschiere,
14 Alternate for Eric Gertler, acting Commissioner of
15 New York State Department of Economic Development and
16 President and Chief Executive Office designate of the
17 Empire State Development Corporation. We have John
18 Williams, alternate of Richard Kaufman, New York
19 State Energy Research and Development Authority and I
20 am John Rhodes, Chair of the Public Service
21 Commission.

22 I would also like to introduce our one
23 present ad hoc member of the Siting Board, Barbara
24 Mirch. Thank you for coming. We have one other ad
25 hoc member who's not able to join for personal

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2 reasons but he serves diligently and -- throughout
3 the process, John Morrow. Secretary Phillips, are
4 there any changes to the agenda?

5 SECRETARY PHILLIPS: No changes to the
6 agenda.

7 CHAIRMAN RHODES: Thank you. So, with
8 that, perhaps I should begin before we get into the
9 rest of the agenda -- Vince are you okay?

10 MR. RAVASCHIERE: Yes -- yes, I can
11 hear you.

12 CHAIRMAN RHODES: Terrific, let's --
13 let's -- we'll go to the regular agenda, Case 16-F-
14 0559, Application of Blue Stone Wind, L.L.C., for a
15 Certificate of Environmental Compatibility and Public
16 Need, Pursuant to Article Ten, for the construction
17 of Blue Stone Wind Farm Project, located in the Towns
18 of Windsor and Stand -- and Sanford, Broome County,
19 presented by Sean Mullany, Chief Administrative -- or
20 Sean Mullany, Administrative Law Judge, Department of
21 Public Service. James McClymonds, Chief
22 Administrative Law Judge, Department of Environmental
23 Conservation, is also available to answer questions.
24 Judge Mullany, please begin.

25 A.L.J. MULLANY: Good morning,

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2 Chairman Rhodes and Commissioners or rather, Board
3 Members. I'm going to offer brief remarks on the
4 item before you, which is a proposed Order of the
5 Siting Board, granting a Certificate of Public
6 Convenience and Necessity to Blue Stone Wind, L.L.C.,
7 the Applicant in this case.

8 Blue Stone Wind, a wholly-owned
9 subsidiary of Calpine Corporation, proposes to
10 construct and operate a commercial scale electric
11 generating facility within the Towns of Sanford and
12 Windsor, in Broome County, New York. The project
13 will include up 27 wind turbines, 23 in the Town of
14 Sanford and four in the Town of Windsor, for a total
15 capacity of up to 124 megawatts and will include
16 associated facilities.

17 The grant of a certificate, would be
18 subject to the conditions that are attached to the
19 Order. The proposed Order is supported by a robust
20 and extensive evidentiary record, that supports all
21 the statutory findings that the Siting Board must
22 make before issuing a certificate, pursuant to Public
23 Service Law, Article 10.

24 The evidentiary record was completed
25 during a three-day evidentiary hearing, that was held

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2 on July 9th, 10th and 11th of this year, in the
3 vicinity of the project, more specifically, in the
4 Town of Deposit New York.

5 The Article 10 review process, in this
6 case, was extensive, fair and open and included both
7 pre-application and post-application phases. The
8 public notice was provided with respect to all
9 significant milestones in the case. There were
10 multiple instances of community outreach and
11 education and numerous opportunities for public
12 participation.

13 Blue Stone carried out a public
14 involvement program, which included among other
15 things, establishing a project website, establishing
16 local document repositories and a toll-free telephone
17 number for public access for project information.
18 Between January of 2017 and November of 2017, Blue
19 Stone hosted two open houses for the public. In
20 addition, throughout the Article 10 process, Blue
21 Stone encouraged active participation by the public.
22 The Department of Public Service, also carried out
23 extensive and ongoing public outreach work, sending
24 notice of all significant project milestones to the
25 party and service lists, hosting local public

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2 statement hearing and soliciting public comments
3 throughout multiple needs.

4 Pre-application intervener funding was
5 jointly awarded to the Towns of Sanford and Windsor
6 and to the Delaware Otsego Audubon Society.

7 Application stage intervener funding,
8 was awarded to the Towns of Sanford and Windsor, the
9 Delaware Otsego Audubon Society and also to a local
10 advocacy group, the Broome County Concerned Residents
11 and with respect to whom I'm going to refer with the
12 acronym B.C.C.R. B.C.C.R. was an active party to
13 this proceeding.

14 The Department received approximately
15 400 public comments in this case, through various
16 means. Most comments were submitted by local
17 residents that oppose the project on a -- on a
18 variety of grounds, including public health,
19 environmental impacts, economic and procedural
20 grounds.

21 Project supporters point to
22 environmental benefits, state policies favoring
23 renewable energy and economic benefits, including
24 jobs and revenues for farmers and local governments.

25 The proposed certificate conditions

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2 address the identified environmental impacts of the
3 project, including impacts that have been the subject
4 of public commentary. The record supports a finding
5 by the Board, that the probable environmental impacts
6 of the construction and operation of the facility,
7 will be minimized or avoided to the maximum extent
8 practicable, provided that the Applicant complies
9 with the Certificate conditions attached to the
10 Order.

11 In the proposed Order, the Siting
12 Board finds that the construction and operation of
13 the project, will serve the public interest because
14 the project will be consistent with State energy
15 policies, long range planning objectives, the
16 strategy set forth in the most recent State energy
17 plan and the additional social economic and other
18 factors deemed relevant by the Board.

19 Allow me to focus my -- the remainder
20 of my remarks on three points.

21 First, the Order before you makes
22 findings that are consistent with findings made by
23 the Siting Board in the Barron Winds and Number Three
24 Wind cases, as related to issues of noise impacts,
25 shadow flicker and measures for curtailment, to

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2 address the impacts of the Northern Long Eared Bat.
3 Second, the main issue addressed
4 during the evidentiary hearing, relates to the
5 impacts of two species of eagles. The presence of
6 both the threatened Bald Eagle and the endangered
7 Golden Eagle was identified within the area of the
8 proposed facility. Given the potential for
9 collisions with turbines, D.E.C. Staff concluded the
10 facility could result in the take of Bald or Golden
11 Eagles.

12 Blue Stone agreed to certificate
13 conditions addressing the potential take of Bald and
14 Golden Eagles and those certificate conditions
15 require Blue Stone to take certain actions, including
16 the development of a net conservation benefit plan
17 for the Bald and Golden Eagles. That's Certificate
18 Condition 69 and also including a post construction
19 avian and bat monitoring and adaptive management
20 plan, which is set forth under Certificate Condition
21 70.

22 In the R.D., the examiners recommended
23 that the Siting Board adopt the estimate supported by
24 the D.E.C. and adopt Conditions 68, 69 and 70, as
25 proposed by D.E.C. Staff and Blue Stone. Those

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2 conditions call for a compliance filing, the -- the
3 net conservation benefit plan, that will ensure
4 impacts on avian resources are mitigated as required
5 by applicable law.

6 These and related issues were raised
7 during the exceptions phase of the proceeding, after
8 the R.D. was issued. The Order before you, denies
9 the exceptions that the parties sought to raise, with
10 respect to impacts on avian resources. And, the
11 Order would adopt the certificate conditions that
12 will require Blue Stone to take the described post-
13 certification actions to address avian impacts.

14 Third, there was a post-hearing issue
15 of note, related to the Town of Sanford, enacting a
16 temporary moratorium in August, approximately a month
17 after the close of the evidentiary hearing. That
18 moratorium ended apparently on Wednesday of last
19 week, when the Town amended part of its local law,
20 related to the siting of wind energy facilities.

21 And, I would note that it was only
22 last Friday, that that local law was filed with the
23 Department of State and therefore, became effective
24 as of last Friday.

25 The Order finds that both the

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2 temporary moratorium and the recent amendments to the
3 local law, occurred well after the hearing record
4 closed and that Public Service Law Section 168,
5 precludes consideration by the Siting Board of these
6 changes to local law. Relatedly and basically for
7 the same reason, the Order denies a motion filed by
8 B.C.C.R., seeking to extend by three months, the one
9 year deadline for Siting Board action in this case,
10 Ostensibly in order to consider the amended local law
11 enacted by the Town of Sanford last week.

12 This part of the Order also evaluates
13 the moratorium that was in effect when the R.D. was
14 issued and thus was addressed by the examiners in the
15 R.D. The Order notes the facts specific aspect of
16 the local law. It notes that the Town of Sanford was
17 a party to this case but did not make any objections
18 related to the siting in the project, or assert that
19 the project would not comply with local law. The
20 Order thus finds on alternative grounds, that the
21 temporary moratorium acts as a ban on the development
22 of wind energy -- wind energy projects within the
23 Town of Sanford and that under the circumstances, it
24 would be unduly burdensome to require enforcement of
25 that local law and the local law can therefore be

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2 waived by the Siting Board.

3 In clude -- in conclusion, the
4 examiners recommend that the Board adopt the proposed
5 Order, including the attached certificate conditions.

6 Thank you and Judge McClymonds and I
7 are available for questions, if any of the members
8 have questions. Thank you.

9 CHAIRMAN RHODES: Thank you very much.
10 I'd like to make one general -- general comment, if I
11 could, before we get into comments and questions from
12 Board members. I'd like to acknowledge that we have
13 representatives of at least one party in the case
14 here. I have to acknowledge them. They've chosen
15 some very highly visible colors but they are present
16 in the hearing room and I have to thank them. I want
17 to thank -- thank them. Thank you for coming.

18 We need involvement. We need
19 involvement by citizens, we need involvement by
20 groups, we need involvement by Towns on these issues
21 and in these cases and encourage participation
22 through the engagement of the Applicant with public
23 officials and the local residents and also through
24 ensuring multiple opportunities for local residents
25 and others to make their views known through public

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2 comments made in -- made in person or though -- in
3 submission or public statement hearings.

4 Our bedrock principle, is to make it
5 possible for all voices to have an equal opportunity
6 -- an opportunity to comment and to participate in
7 the discussion and to be meaningful that opportunity
8 has to be fair and equal. We have been and we must
9 continue to be careful and serious about that
10 equality of opportunity and we can't have special
11 audiences for special voices.

12 I understand that many of you are or
13 some of you here in the room, one of you here in the
14 room, may want to speak before we issue our decision.
15 Based on those principles of fairness and integrity,
16 that's not a request we can agree with. We know that
17 you made a long drive from Broome County to Albany,
18 so some of us, including me, would like to stay
19 around -- plan to stay around, so that we can talk to
20 you and answer questions that you may have. Of
21 course, it's somewhat unplanned, so there's probably
22 time limits that we have but we could stay until
23 eleven thirty or so, if that -- if that meets your
24 wishes. And, if you could let Jim know whether you'd
25 like to take us up on that, that would be -- we --

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2 that's a serious invitation. Thank you.

3 So, with that, I'd like to go to
4 comments and questions from the Board members. My
5 own -- I'll begin with myself. My own has been a
6 careful, open, significant process with a meaningful
7 comment from many voices. There, to my reading, are
8 only -- there are two -- there are few expertise --
9 sorry, two salient debated issues. And, just as a
10 side bar, I'd like to note that that means that we've
11 made good progress in finding reasonable persuasive
12 paths on many other issues, noise and flicker and
13 bats, which are frequently the topic of much debate;
14 while we seem to be on a -- on a path to have those
15 being handled in a -- in an acceptable, reasonable
16 and balanced way.

17 But, there are some salient issues
18 here and the two are eagles, where there's concerns
19 appropriately about the take and there's also a net
20 conservation benefit plan, which is a -- a condition
21 of -- of -- for -- for the project and is
22 specifically designed to provide net conservation
23 benefit. Then we have the various positions taken by
24 the Town of Sanford, discussed in Judge Mullany's
25 statement, as a matter of process and also as a

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2 matter of the recent positions acting as a ban and
3 leading to undo burden on the project, I -- I find
4 that the -- the draft Order -- the draft Order
5 appropriately strikes the right balance and comes to
6 the right solutions.

7 I find that the conditions here, are
8 thoughtful and protective and give a path to a
9 balanced approach that is in the public interest. I
10 am going to support this recommendation.

11 I'd like to ask my other Board
12 colleagues to comment. Doc Lou -- Dr. Alexander, do
13 you have comments?

14 MR. ALEXANDER: Thank you, Chairman
15 Rhodes. I do have a few comments and questions for
16 the panel. The first is -- is a comment. There's a
17 discussion in the Order on pages nine through eleven,
18 regarding the raising of new issues on exceptions and
19 I thought that discussion relative to the
20 expectation, that issues would be raised during the
21 hearing phase of the proceeding, was well balanced
22 and can serve as a guidepost or a benchmark for the
23 Board in the future on -- on these proceedings.

24 With respect to the local law that has
25 been referenced, I do have a question and maybe this

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2 is more appropriate to be directed to the general
3 counsel at -- at the panel. And --.

4 CHAIRMAN RHODES: It's your call, sir.

5 MR. ALEXANDER: All right. We have
6 the situation here of the local law, as mentioned,
7 that was very recently enacted. And, my question is,
8 whether we've had to address, you know, a similar
9 situation in any other proceeding in these sort of
10 circumstances?

11 MR. ROSENTHAL: So, let me briefly
12 answer that. There was one case, Cassadaga Wind,
13 where a local law was enacted after the filing of the
14 application. But, in that case, the Town which was
15 the party in the case, let the other parties know
16 during the evidentiary hearing aspect of the case,
17 that it intended to enact the local law. So, that
18 law was actually addressed during the evidentiary
19 phase of the hearing. That didn't happen here, where
20 the local laws were first made known, when enacted
21 well after the hearing record closed. That's how
22 it's the -- it -- it is distinguishable on those
23 grounds.

24 MR. ALEXANDER: Thank you. Looking at
25 the environmental issues here, there is an extended

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2 discussion, regarding protected streams and the use
3 of bridges versus culverts. And, it's my
4 understanding that the use of bridges is primarily
5 seen to be for State regulated streams but I was
6 wondering if the panel could elaborate a bit further,
7 regarding the expectations here?

8 A.L.J. MCCLYMONDS: As you noted,
9 there are numerous protected streams that were
10 identified in the project area, both streams that are
11 protected under the Article 15 as classified streams,
12 as well as a wetland associated with a navigable
13 water, which is also protected under Article 15.
14 There was a condition proposed by Department Staff,
15 that would require bridges for all permanent
16 crossings of streams. In the briefs on exceptions,
17 the Blue Stone, essentially sought clarifications to
18 whether or not bridges were required for all streams
19 or only for protected streams.

20 Department Staff's presentation, with
21 respect to the impacts to waterbodies in the project
22 area and their conditions, were all centered on State
23 protected waterbodies and there was no record made on
24 streams and waterbodies not otherwise protected by
25 Article 15. So, accordingly, the Condition 113, was

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2 modified to indicate that bridges are preferred for
3 classified streams; otherwise, culverts will be used
4 for other stream crossings.

5 MR. ALEXANDER: Okay. Thank you.
6 There's been another -- a number of points made
7 relative to impacts to bats, Golden Eagles and -- and
8 Bald Eagles and I think that the presentation today
9 has answered most of the questions that I had in that
10 regard. I -- I just wanted to confirm, as I read
11 Condition 69, when the net conservation benefit plan
12 is prepared and submitted, that will be subject to
13 review and approval by D.E.C. Staff, as well as
14 D.P.S. Staff, am I correct in that?

15 A.L.J. MULLANY: You are correct in
16 that respect.

17 MR. ALEXANDER: So, in that regard,
18 those plans will be subject to the appropriate
19 review, pursuant to the legal authorities and the
20 evaluation of Staff?

21 A.L.J. MCCLYMONDS: That is correct.

22 MR. ALEXANDER: And, I see also that,
23 with respect to the SPDES permit for the general
24 permit for stormwater discharges, that it will be the
25 D.E.C.'s determination as to whether or not to issue

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2 the general permit or an individual permit, you know,
3 for that based on review of the conditions, am I
4 correct in that?

5 A.L.J. MCCLYMONDS: That's correct.
6 The SPDES permit is part of the Federally delegated
7 water pollution control laws and accordingly, under
8 Article 10, D.E.C. retains jurisdiction to review and
9 -- and issue those permits and applications.

10 MR. ALEXANDER: Now, we've talked in
11 prior proceedings about decommissioning and
12 restoration to ensure that the costs of these
13 projects, you know, don't, you know, fall on the
14 local municipalities. And, I see here that the Order
15 proposes adoption of D.P.S.'s cost estimate in that
16 regard, which would provide, you know, better
17 insurance that these costs would not fall under the
18 local -- on the local municipalities. And, I see
19 where that is, you know, well supported in this
20 record, in that regard.

21 And, then lastly it relates to visual
22 impacts and there's a discussion here relative to
23 F.A.A. warning lights, radar activated detection
24 lighting systems and in terms of the development in
25 this regard and F.A.A. review and approval, will this

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2 then come back to the Departments to review to ensure
3 that the lighting considerations are adequately taken
4 into account?

5 A.L.J. MULLANY: When -- when you say
6 come back, are you positing that the F.A.A. might
7 approve a certain lighting system and your question
8 goes to whether or not that would then be subject to
9 further review and approval by Department Staff?

10 MR. ALEXANDER: I was wondering what
11 the notification process would be, if F.A.A. approves
12 the -- a certain lighting.

13 A.L.J. MULLANY: I -- I apologize but
14 I'm not able to answer that off the top of my head.
15 I would be happy to look into that and see if I can
16 answer -- are you -- are you --

17 A.L.J. MCCLYMONDS: Yeah, my -- my
18 recollection is, there's a certificate condition that
19 requires a final visual plan and that would be where
20 the -- if there is an F.A.A. approved lighting
21 system, it would be included in that plan for then
22 filing as a compliance filing.

23 MR. ALEXANDER: Okay. Thank you.
24 That concludes the questions that I had.

25 CHAIRMAN RHODES: Thank you Lou. Dr.

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2 Lewis-Michl?

3 DR. LEWIS-MICHL: I have no questions.

4 CHAIRMAN RHODES: Okay. Mr.

5 Ravaschiere?

6 MR. RAVASCHIERE: I have nothing

7 additional.

8 CHAIRMAN RHODES: Okay. Mr. Williams?

9 MR. WILLIAMS: My questions have been
10 asked and answered.

11 CHAIRMAN RHODES: Okay. Thank you.

12 Ms. Mirch?

13 MS. MIRCH: I would like to make some
14 comments. Can you hear me? Okay. All right. I'm
15 representing my community. Windsor is a friendly,
16 sleepy, farming community where my husband and I
17 chose to live and raise our family over 30 years ago.

18 The community is made up of people who
19 are poorer and less educated than the average
20 American. Many families have been there for
21 generations. It is peaceful and unspoiled.

22 Personally, our family supports the use of green
23 energy. At my house, we have solar panels on our
24 roof, we have a hybrid car, my oldest son is -- is
25 saving his money so he can buy his first car, a

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2 Tesla, so he'll never have to buy gasoline.

3 Despite this, I cannot support this
4 project. It is not appropriate for our area.

5 Calpine has selected the towns of Sanford and
6 Windsor, as a prime location to build industrial wind
7 turbines. We are being preyed upon. Our natural
8 resources are being shifted downstate. We are doing
9 the best we can to navigate on a playing field where
10 the rules have been set up by design to speed up and
11 streamline the approval process.

12 In this David and Goliath matchup,
13 Calpine has an experienced team of marketers,
14 lawyers, engineers and seemingly very deep pockets.

15 The project continues to evolve. I'm
16 not even sure how many binders it's up to, at this
17 point. We have a very steep learning curve and
18 limited resources to come up to speed. Our local
19 ordinances aren't adequate to protect our residents
20 from the effects of this project and we could very --
21 this project could very well impact our area for over
22 the next 20 years. We need more time to level this
23 playing field.

24 Quite frankly, I don't believe this
25 project should be approved, at all. Let's use some

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2 commonsense and look at just a few of the issues. In
3 Long Island, wind turbines cannot be built within 30
4 miles of the shore. That's 158,400 feet away from
5 the island. In comparison, Sanford's set back is
6 currently about 2,000 feet. Windsor's is about 1,000
7 feet from the neighboring property lines. Why is it
8 that we don't get the same consideration as the
9 residents in Long Island?

10 We need time to pass our local
11 legislation to protect -- protect our people.

12 In many cases, our resident's home, is
13 their largest investment. People have worked their
14 whole lives to pay for their American dream. Calpine
15 says that the property values won't be impacted
16 significantly by the project over the long term.
17 Really? Would you want to live 2,000 feet away from
18 an industrial turbine? How about if you're unlucky
19 enough to have them positioned on two or ever three
20 sides of your house? According to the New York State
21 ISO Power Trends Report in 2019, nearly 90 percent of
22 the energy produced in Upstate, already is derived
23 from carbon-free resources. Our area will be
24 shouldering the brunt of the negative impact from
25 this project, to produce energy that is not even

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2 needed in our area. The report goes on to say, that
3 the energy load in our region, is not projected to
4 grow, so the addition of new renewable resources,
5 will displace other sources of clean generation in
6 our area.

7 Furthermore, based on the data in
8 Exhibit 8 in the application, this project will
9 reduce New York State carbon emissions by no more
10 than .26 percent. It will take this project times 20
11 to reduce New York State's carbon emissions by -- by
12 a mere five percent.

13 Lastly, if this project causes a need
14 for the grid to be expanded, let's think about who's
15 going to bear the cost of that expansion? Throughout
16 this process, community input has been solicited and
17 encouraged. Our residents have formed coalitions,
18 attended Board meetings, hired lawyers, put up signs,
19 made t-shirts, signed petitions, entered comments
20 online, spoken at public hearings and met with local
21 politicians. Some community members are even here
22 today. They are doing their best to be heard. I'm
23 wondering just how much weight the community input is
24 being given, when deciding how each member is voting.

25 In the Declaration of Independence,

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2 Thomas Jefferson wrote that there are inalienable
3 rights that are self-evident and he gave three
4 examples, life, liberty and the pursuit of happiness.
5 I believe this project is infringing on these rights.

6 In preparation for today's meeting, I
7 recently read an article that first appeared in the
8 Albany Times Union on September 27th, 2017. The
9 article contains a quote by Public Service
10 Commissioner Chairman, John Rhodes, who is also the
11 Chairman of the Board today. He said that the State
12 was not going to force wind projects on rural
13 communities and said that Article 10 is quote, "not a
14 stacked process," unquote, against these communities.
15 That is certainly reassuring to hear today. We just
16 want to be left alone, to live in freedom and enjoy
17 our lives. That's why we live there.

18 Please respect the community's wishes
19 to not have this forced on us and do not approve the
20 project, at this time. Thanks.

21 CHAIRMAN RHODES: Thank you, Ms.
22 Mirch. So, we have a seventh member of the Board,
23 John Morrow, who's been a serious and thoughtful
24 colleague and also like you as a -- as an ad hoc
25 member. For reasons beyond anyone's control, he

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2 cannot be here today. One -- the one thing that --
3 that means, is that he can't vote but out of -- but
4 he did serve and out of respect for his service, we
5 found a way for him to share with us and with the
6 public, his comments today.

7 He's written something out, which is
8 would like to ask Secretary Phillips to please read
9 to us and to read into the record, if you would?

10 SECRETARY PHILLIPS: Yes. Can
11 everyone hear me? Okay. These are the written
12 comments of John A. Morrow, the ad hoc member from
13 the Town of Sanford. They're dated December 13th,
14 2019.

15 Please accept this memorandum as
16 written -- he's calling it testimony. I'm going to
17 change that word to comments because they're
18 comments; as written comment, as I cannot attend the
19 hearing scheduled for December 16, 2019, due to
20 medical reasons.

21 My apologies, however this is a matter
22 that cannot be delayed, nor would I have been capable
23 of driving in excess of two hours to attend the
24 session.

25 Let me start by expressing my sincere

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2 appreciation to the Town of Sanford, Senator Fred
3 Akshar and his office and the others involved in my
4 appointment to this Board. While it is disappointing
5 that I cannot be in attendance today, it is an honor
6 and privilege to serve our community in this
7 capacity. Many thanks also go out to Ms. Michelle
8 Phillips and Ms. Kathleen Burgess, for the assistance
9 they provided throughout the process. There were
10 numerous occasion when they were called upon to
11 provide direction and share details of the process
12 and required documentation.

13 This process is not at all what was
14 expected or anticipated when the first discussions
15 were held many months ago. During that time, there
16 were many documents posted to the website and other
17 opportunities to read relevant information. However,
18 as a Siting Board member, I was advised not to attend
19 sessions at the Town of Sanford or Town of Windsor,
20 nor was I supposed to express an opinion publicly. I
21 was stopped in the grocery store and while out for
22 walks, by many other local residents. Never did my
23 opinions get shared while many shared their opinion
24 and open quote "facts" closed quotes, as they knew
25 them.

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2 This project has generated some heated
3 discussions in public sessions in the town of
4 Sanford. To get to my house, I drive past the Town
5 offices. On the nights of scheduled Town Council
6 meetings, the traffic in the area made passage on our
7 quiet narrow street difficult. There was a
8 tremendous amount of interest in the topic and the
9 community came out in large numbers to express their
10 concerns, both for and against. Attendance at those
11 meetings, may have been beneficial to someone in the
12 ad hoc position and it may be something worth
13 reconsidering in the future.

14 It is noted in documentation that has
15 been provided, that nearly 70 percent of the
16 residents, have expressed negative opinions about the
17 proposed wind turbines. This is also clearly evident
18 as you drive through the town and notice the many
19 signs on front lawns. The vast majority appear to be
20 against the proposed project.

21 Personally, I am supportive of wind as
22 an alternative form of energy. During my career,
23 there was an opportunity to look at the potential of
24 a single structure, to provide electricity to power a
25 2,000 -- I'm sorry, 250,000 square foot school

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2 building. While this project never became a reality,
3 the preliminary discussions were initiated by myself
4 and a representative of the company that would have
5 partnered with the District in this endeavor.

6 We looked at numerous alternatives to
7 utilize renewable energy resources. However, before
8 finalizing any potential projects, my time to retire
9 came to be and the potential for this fell by the
10 wayside. In the right place, with the necessary
11 precautions in place, a project such as Blue Stone
12 Wind, could be highly beneficial to a community,
13 especially one that is suffering from economic
14 decline. However, with those benefits, comes some
15 significant drawbacks. The Town of Sanford Town
16 Council, recently enacted an amendment to Local Law
17 Number One of the 2017 entitled open quote,
18 "Renewable Energy Systems," close quote.

19 This amendment has been portrayed as
20 harmful to the project, unless the Siting Board deems
21 it over restrictive and approves the project to move
22 forward, in spite of the Board's action. It appears
23 from documentation that was provided to me, that the
24 Siting Board is moving in that direction.

25 There appear to be some controversial

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2 issues remaining currently in the process. The
3 biggest concern I have, is that the Siting Board and
4 the hierarchy of the State agencies, who are
5 represented on the Board, could overrule the Town
6 Board and the residents of a community.

7 If the need to provide affordable
8 energy to the residents of New York State is such a
9 high priority, then I am curious why the Governor and
10 his administration, have stopped natural gas projects
11 and pipelines that also provide clean and abundant
12 energy resources. It is my belief that a combination
13 of all of the available resources, should be
14 developed and I believe this is also one of the
15 reasons so many in the Town of Sanford are against
16 the development of the wind farm, as proposed. It is
17 my belief that I was appointed to represent the
18 people of the Town of Sanford. In that capacity and
19 knowing the action taken by the Town of Sanford,
20 along with the sentiment of the community that has
21 been expressed vocally by signs and by other methods,
22 it is my recommendation to the Siting Board, that the
23 newly enacted amendments to Town Law Number One of
24 the year 2017, be upheld and enforced. This should
25 be a local decision.

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2 Further, if it is proposed to override
3 this amended law and issue an Order allowing the
4 Siting of the Blue Stone Wind farm in the Towns of
5 Sanford and Windsor, then I would be against such a
6 measure and vote no.

7 I appreciate the opportunity to be a
8 part of this very serious endeavor and again, my
9 deepest apologies for not being able to be in
10 attendance. Again, I want to note, that these are
11 the comments of John A. Morrow, the ad hoc member of
12 the Siting Board from the Town of Sanford.

13 CHAIRMAN RHODES: So -- so, if I may,
14 obviously, I want to simply and respectfully accept
15 John Morrow's comments, as they are written. I also
16 do want to take note of and actively listen to one
17 part of his comments that essentially amount to
18 feedback to us, the -- the folks who administer the
19 siting process. And, it's always valuable to get
20 straight feedback. And, we've been working on and
21 we'll continue to work on the main issues that John
22 Morrow cites and the part that I consider the
23 feedback. We are doing a better job and will
24 continue to do an even better job, on providing
25 clarity upfront to really the exemplary folks who

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2 step up and sort of agree to be ad hoc members. And,
3 we are working also to be as enabling as we know how
4 to be for the ad hoc's freedom to act as the voice of
5 the community.

6 It is affirmatively okay to attend, to
7 listen and to learn and it is affirmatively okay to
8 represent the views of the community.

9 The one thing we have to be careful of
10 and I think it's doable, is to stay away from, just
11 like any other ad hoc member -- excuse me, just like
12 any other member of the Board, ad hoc or not, from
13 any public expressions of opinion, less and until
14 it's time to vote. That's important but that's
15 specific and so, we're working on the issues that he
16 had implied and, of course, that was not the bulk of
17 his comments. The bulk of his comments -- well, all
18 of comments were serious and deserve a good hearing.
19 So, he's not here but I thank him.

20 So, that completes our round of
21 comments and questions. We now proceed to calling
22 for a vote. My own vote is in favor of the
23 recommendation to approve the application of Blue
24 Stone Wind, L.L.C., for a Certificate of
25 Environmental Capability and Public Need, with the

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2 conditions as described. Mr. -- Lou, how do you
3 vote?

4 MR. ALEXANDER: I vote in favor.

5 CHAIRMAN RHODES: Betsy, how do you
6 vote?

7 DR. LEWIS-MICHL: In favor.

8 CHAIRMAN RHODES: Mr. Ravaschiere, how
9 do you vote?

10 MR. RAVASCHIERE: In favor.

11 CHAIRMAN RHODES: Mr. Williams, how do
12 you vote?

13 MR. WILLIAMS: In favor.

14 CHAIRMAN RHODES: Ms. Mirch, how do
15 you vote?

16 MS. MIRCH: I vote against it.

17 CHAIRMAN RHODES: And, Mr. Morrow
18 cannot vote.

19 The matter is approved and the
20 recommendation is adopted. So, let me -- let -- with
21 all due respect, the business of the Board as a
22 Board, I believe is done but let me ask Secretary
23 Phillips, is there anything further to come before us
24 today?

25 SECRETARY PHILLIPS: There is nothing

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2 further.

3 CHAIRMAN RHODES: Thank you. Then
4 with that, we adjourn.

5 (Meeting concluded.)
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2 STATE OF NEW YORK
3 I, HOWARD HUBBARD, do hereby certify that the foregoing
4 was reported by me, in the cause, at the time and place,
5 as stated in the caption hereto, at Page 1 hereof; that
6 the foregoing typewritten transcription consisting of
7 pages 1 through 33, is a true record of all proceedings
8 had at the hearing.

9 IN WITNESS WHEREOF, I have hereunto
10 subscribed my name, this the 23 day of December, 2019.

11

12

13 Howard Hubbard, Reporter

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