

Town of Freedom
Regular Board Meeting Minutes
Monday, August 19, 2019

Board Members Present: Jolene Esposito, John Hill and Supervisor Randy Lester

Absent: Ron Ashworth

Other Officials: Highway Superintendent Jim Haggerty, Justice Gary Chamberlain, and Planning Board
Member DeVere Bliss

Others: 25

Meeting called to order at 7pm by Supervisor Randy Lester

- I. **PLEDGE TO THE FLAG:** Led by Supervisor Randy Lester
- II. **REVIEW OF MINUTES:**

Town Board Meeting Minutes from July 15, 2019

A motion was made by Jolene Esposito to accept the Meeting minutes of July 15, 2019 as submitted. Motion seconded by Randy Lester.

Roll Call: Ayes-1 Jolene Esposito
 No-1 John Hill
 Yes-Supervisor Randy Lester

III. TOWN OF FREEDOM

RESOLUTION # 9-2019

August 19, 2019

A Resolution Transferring Funds

The Town Board of the Town of Freedom, pursuant to Town Law Section 112, Paragraph 1 wishes to:

Transfer funds from:

Highway Savings Account in the amount of \$21,511.04

To:

DA5130.4 (Machinery Contractual Exp.) to cover the purchase of the wing attachment and equipment add-ons for the 2016 Kenworth as set forth in Highway Voucher #120.

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Motion by: John Hill, Seconded by Jolene Esposito

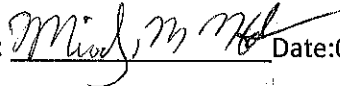
Roll call:

Esposito-Craft: Aye

Ashworth: Absent

Hill: Aye

Lester: Aye

Clerk:  Date:08/19/2019

IV. Old Business

1. Armstrong Status- Supervisor Randy Lester had a phone conference with the company. They originally said the Broadband Program would be up and running in September/October but have experienced delays. One problem is getting right a ways and permits. The second problem is the poles need to be updated that they are attaching to. In some places they need to replace 50% of the poles. They are saying the first quarter of the next year; Cattaraugus and Allegany County's seem to be at the end of the line.
2. Town Green-Supervisor Randy Lester explained when he originally looked for the paper work in Little Valley they did not have anything on the Town Green. The Town employed a service that would go back and search through old records. The findings are; the Holland Land Company deeded it in 1834 to David Wild, it was a big chunk of property he sold off various parcels. In 1939 the Town of Freedom filed a lawsuit against the David Wild family claiming that Mr. Wild had given this to the Town in his last Will and testimony. That litigation was amended in 1943. In 1945 the Town took over the Town Green by judgment. The Town Green does belong to the Town of Freedom. The next step will be getting it surveyed. The Senior Citizens would like to develop it but will have to begin early next year. Any resident who would like to get involved in helping develop the Town Green please contact the Town. Councilman John Hill said he thought the entire Town had all the properties that the Town owned surveyed. Randy said all but one, the Town Green. Randy also said hopefully he can report by the next meeting where the property lines are.

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3. Racetrack-Paul Fehringer from Bixby Hill Rd has filed three complains about the racetrack. He has been invited verbally and by letter to talk to the Town Board about his complains. He told Supervisor Randy Lester he does not have the time to come to the meetings. Randy has given him copies of the ordinance and on (pg 4) of the ordinance under definitions it says unreasonable inconvenience or annoyance an "unreasonable inconvenience or annoyance" may be noise, dust, smoke, and noxious smells. This complained is about noise. In section 5 it says quiet hours are Sunday P.M. through Monday A.M. from 7pm to 7 am EST, Monday P.M. through Friday A.M. from 9pm to 7am EST and is should say Friday P.M. to Saturday A.M. and Saturday P.M. to Sunday A.M. 11pm to 9 am EST. Paul Claims it's an inconvenience to him for the noise. Randy had the Town constable go to the track on the Friday before and he said the race was over at 10:30. There was a big crowd as well. Councilmen John Hill feels that the owner of the racetrack should allow 30min time period for vehicles to exit. He should also make sure the public at the racetrack are aware of the Towns ordinance. John would like to see signs saying the Town ordinance says quite time is at 11pm. Councilwomen Jolene Esposito said if the Town does nothing, then nothing will change. John asked Planning Board Member DeVere Bliss what Holland Speedway does. DeVere said they have an ordinance as well. John asked what do they do about the noise. DeVere said they have security there and they follow you out at a certain time. They empty the pit area before curfew. Randy asked what do they do if the race is looking like its going to last longer? DeVere said they have to shorten the laps of the races. They also start there races at 6pm. DeVere asked what time Freedom started. Randy said 7:30. DeVere said that the Town put the 11 pm curfew in place because of a prior owner that would not pay attention to nobody. DeVere suggested that for next year see if the races can start earlier. Randy said he was told this was this owner first year at the racetrack. DeVere stated that the new owner put a lot of money into the track and it has a bigger crowd then there has been in years, but there are rules for everyone. He suggests asking the owner starting 30mins earlier so he will be done by 11pm curfew. John feels they should approach the racetrack owner before next year and tell him to start the race earlier in the 2020 season. Randy agrees to discuss starting earlier next year also give him a copy of the ordinance. Jolene would rather speak to him now. If she was the residence she would want someone to be proactive about the issue. Jolene asked if it's just the one resident complaining. Randy said yes. Leslie Lange said she feels they should considered 30mins earlier; don't change everything for one person, unless there has been a lot of complaints. Randy said there was a citizen group that got together years ago under prior ownership and had a petition signed by a number of people. John said that was about 6-7 years ago. Randy asked what happened to it. Leslie asked was it about the time? John said it was about the time, the noise, and some about the dust. DeVere said one big thing was the racetrack owner at the time was running races at 11pm, he brought this on himself. The Planning Board spoke to him about how he was running thing. After a while the track closed because he ran out of money. DeVere feels the new owner should meet Town Board and get their blessing, if he's going to be in this town and to work with the public. John is wondering if they should have the complainant come in, or the owner of the racetrack, or both. The

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complainant been invited twice and has not come to the meetings. Randy would like to meet with racetrack owner next year.

V. New Business

1. Security Cameras at the park and Park Rules Update: There has been vandalism at the park and Councilwomen Jolene Esposito and Town Clerk Mindy Holland discussed about getting security cameras at the park. The new play ground is being pulled apart. Councilmen John Hill feels it's a good idea as well. The recommendation is to get cameras to go on poles. Mindy will get a quote from Bear Communication. Also a sign will be put up at the park saying that there is a camera. Jolene said hopefully the sign will deter things happening at the park.
Park Rules need to be updated, last update was in 1994. Mindy feels that when the building is being rented out there should be a sheet of rules handed to each person renting the building. Supervisor Randy Lester said they should be updated. Randy and Mindy will update and present to the Board at the next meeting.
2. Board Opening Position: Supervisor Randy Lester has three ideas of things to do to fill this. The board could leave the position open through the end of the year; the Association of Towns does not recommend leaving it open. The Town could advertise for the position, or if there is an individual who would be interested in the position. It has to be Board approved. Randy recommended Charlie Vince, he does not have any desire to get involved in town politics beyond the four months that are left of this year. Charlie stated he was approached about this he has no hidden agenda. He was on the Town Board for 6 years. He said he would do it if everyone agreed and if everyone disagreed there be no hard feelings. He told the board that when he was on the board if he would of went through this he would had said no to appointing someone. Just to finish the remaining four months with the current board members. He stated that looking at the next four months there does not seem to be anything going on with the wind situation. Charlie told the members if he got asked to sit on the board and something came up he would say no and let the remaining four members handle the situation. Councilmen John Hill said we are four Board Members other then Ron not being present this evening, and you need three members for a majority. John would like to leave the board with four members for the remaining of the year. Councilwomen Jolene Esposito agrees to leave the position open as well.

VI. Public Comments:

Rick Lange-He wrote some notes and spoke to the board and the public. He said he stood up at a meeting some months back and defended the Town Board. Telling everyone he thought the Board had the Towns best interest in heart. Rick has not supported windmills in Freedom mainly because so many of his friends opposed them. Rick said he is not an activist. He knows all the pros and cons of industrial wind factories. He loves free enterprise and he loves to see people make money. Rick said he has not fought windmills either. He told the Board he likes the members personally. But he went on to say with

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the vote last month, Ann Marie Dixon voted affirmation on the Host Community Agreement, then to resign from the Board, announcing the sale of her home and moving out of state was underhanded and completely without integrity. He feels she should have recuse herself or abstained from the vote. Rick is not saying she did not have the right to vote, but he felt she had this planned. Rick feels it's dishonest and untrustworthy. For or against we will live for decades with that vote and Ann Marie will not Rick stated. He said its things like this that make him distrustful of politicians in general. He's not accusing anyone of anything illegal or underhanded besides Ann Marie decision to vote. He does not want to be an activist. He would ask the board to take another vote but he's sure the outcome would be the same. Rick ended with what happened last month was despicable.

Dan Meyers-Asked who pays for the decommissioning of a windmill? Supervisor Randy Lester replied Invenergy does, they do post a bond. Dan then asked what's the bond \$10,000.00? Randy said it's on all of them together, its \$10,000 per windmill times the number of windmills. Dan asked if it goes over the \$10,000.00 who pays for that. Randy replied the Town would have to pay for that. Dan wanted to know who the negotiator is that came up with the \$10,000.00 a windmill? Randy said the Town Board came up with the \$10,000.00 also there is a salvage value as well. Dan said that you also have to pay a crane operator. The last windmill that was taken down was a 250ft windmill it cost \$326,000.00 for one windmill. Dan said this is going to bankrupt the Town. Dan also said that the Town is proposing bigger blades on these windmills; these blades will cause a lot more flicker there are residences getting 2 hrs of flicker a day. He asked Randy what if a residence came to him and said they get 2 hrs of flicker a day. Randy said he have to look into it and talk to Invenergy. Dan stated that Invenergy said the windmills don't cause well contamination. Dave Britton the engineer for the Roads the Town Board hired at the July meeting stated that the dig down is 30-50ft for the bases for the windmills. Invenergy said they don't do any deeper than a house foundation. If it's not going to hurt the aquifer like Invenergy says, why could they not put an guarantee on the wells? Dan asked why didn't you hire Dave Britton before the Town signed the Road Use Agreement to make sure everything was good with the agreement. Randy said he spoke to Dave prior to it. Dan asked did you hire him prior to it and Randy said no. Dave Britton talked at a Farmersville meeting and said there were so many discrepancies in the Town of Freedom Road Use Agreement that will bankrupt the Town of Freedom. Dan asked if there is a base on the roads and Highway Superintendent Jim Haggerty said some of them are clay. Dan said in Farmersville none of the roads have a base and they have to reconstruct all them roads just to have them vehicles go on them. There was not enough money in the Road Use Agreement to pay for all that has to be done. Also there is nothing in the Road Use Agreement to sign off on the roads when Invenergy got done with them. No one can sign off and Invenergy can do whatever they want and say they are okay. The Highway Superintendent should inspect the roads and make sure everything is good, but there is nothing in that agreement and Dave would like Farmersville to write that in the contract. Dan said the contract is bogus and he does not know why the Town of Freedom would agree to something like this.

Denise Willard-Denise told the Town Board that the Road Use Agreement is a joke. She was at the Farmersville meeting and there were so many deficiencies in the Road use Agreement that Supervisor Randy Lester, Councilmen Ron Ashworth, and Councilwomen Ann Marie Dixon signed at the last meeting. She also presented a testimony by Eric Miller (see attached). Denise stated that Randy and Town Attorney James McAuley said there are no environmental impacts and in the testimony it states

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that when removing access roads it would cause a temporary environmental disturbance (pg.3 Lines 11,12). Randy said he does not remember that statement that he had made, no comment. Denise ask if this wind law is just a piece of paper and it's not what Invenergy wanted then why did the Town have to change the 2007 wind law? Randy told her they had to change it because it was for windmills that are 350ft verses the windmills today. Denise would like Randy to be an advocate for the Town.

Stephanie Milks- She submitted and read an updated flicker report from Invenergy to the DPS on July 31, 2019 (see attached). Stephanie asked Scott Johnson from Invenergy if he's willing to submit the \$508,000.00 in the Host Community Agreement and the P.I.L.O.T payment to the DPS. Scott stated he does not submit anything to the DPS, he told Stephanie that she is asking the wrong person. Stephanie asked who would submit it. Scott told her Eric Miller.

Marsha North-She told the Board that she's very disappointed in the Board Majority, Supervisor Randy Lester, Councilmen Ron Ashworth and Councilwomen Ann Marie Dixon for signing the Host Community Agreement that did not offer any protection for any residence in this Town. The Board has been asked in the past meetings for a property value protection agreement. Invenergy said that would kill the project if they did that. Marsha said if there is no effect on property values then why would they not agree to it because it would never get used. Everyone else would have a piece of mind and if someone felt they could not live in the project area then they would not have to walk away and have a great loss. Regarding money Marsha wanted to know if the payment portion can be explained to her. She talked about a copy of the Town of Freedom 20yr projection of wind farm revenues that was stapled to the back of the Host Community Agreement. It says total \$429,000 for Host payment, \$1,100 for P.I.L.O.T and total investment for total \$508,500. Then the assumption on the bottom, 3,800 per MW, then it says 113, MW of wind capacity in the Town of Freedom. Marsha multiplied that together, it comes out to 429,400.00. She would like to know is that payment based on the wind blowing, or what if the turbine is down. Randy said is based on the name plate saying how much the maximum is. Marsha asked what is on the name plate, Randy said he believes 3.45. Scott from Invenergy said it may be larger it may not be. He said it will be name plate capacity; it's not driven off of royalties. Marsha asked no matter what the Town will get the money that is on the back sheet of the Host Community Agreement. Councilmen John Hill stated based on the numbers of the windmills and capacity of windmills that's a true statement. The DPS has the final authority; they may say you cannot put a windmill in a certain area. They may say the flicker is too much on one person house and a windmill can't be put there. They may say the noise level is way too much and windmill can't go in a certain spot. DPS should be looking in the interest of the residence of Freedom. Marsha stated it's a wait and see. John said if they put in the amount of windmills they want to put in and it's rated at 3.45 or 3.2, that's the amount we are getting paid per Megawatt. He explained if you have 100 MW it's 100 times the amount they agree to. If you have 1,000 MW you would get a 1,000 times. If everyone gets there way that's how much it's going to be, if DPS takes away windmills then it will be less than that.

Geoff Milks- Geoff told the Board and citizens he is disappointed with the County Chairs that represent the residence of Freedom from the Republican and Democrats with the nominations that they did to fill Ann Marie Dixon seat. He stated on the Republicans side the chairs picked a candidate that the voters of Freedom spoke on in the June Primary. The Democratic side they nominated a Republican candidate, he said more qualified Democrats were in the running. Geoff also talked more about the

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racetrack discussion and said who's right the Town Board represented both of them. He feels discussing it this year gives the track owner a chance to make changes for next Year.

Donnis Morgan- She addressed Supervisor Randy Lester and stated that he says he represents the whole Town of Freedom, but actions speak louder than words. At a Legislator meeting he only represented one citizen of the whole town. She does not feel he is interested in hearing what the residents have to say about the concern for the Town, the health and the welfare of the people. Donnis said that wells have been talked about quite a few times; she is concerned about her well water. She told Randy he should be concerned about his water too. She told Randy he's not listening to what they are saying that they are concerned about the welfare of the people. She also stated this will affect everyone, the community and nature. Listen to the people and take their concern to heart.

VII. Reports & Communications:

- A) Assessors-
- B) Building Committee-
- C) Building Inspector-Report Submitted
- D) Highway Superintendent- Report Submitted
 - Councilmen John Hill asked Highway Superintendent Jim Haggerty about loose millings on the curve on Hughes Rd. His concern is if a motorcycle comes through that they would lose control. Jim stated that the traffic is driving on the shoulder and not on the road and it's causing the millings to scatter on the blacktop. Jim said he would sweep it off.
 - Jim reminded the Board that there will be a Junk Day at Preivity's October 5th from 7-3.
- E) Clerk/Collect- Report Submitted,
 - The Clerk has a Freedom of Information Form that is available to be filled out for any future FOIL request due to the amount of request recently.
 - A motion was made by John Hill to approve the updated Form for future Foil Request. Seconded by Jolene Esposito.

Roll Call: Ayes-3 Jolene Esposito, John Hill and Supervisor Randy Lester

-Town Clerk Mindy Holland also told the Board that her computer is getting bad. It had to be fixed Monday morning and the repair guy said it goes not have much longer. Councilman John Hill suggested that the clerk talk to Jessica and see if there is any way to get something before the end of the year. Also find out what will last a few years. We need a new computer up and running before the end of the year. Mindy will get quotes by next meeting.

-Note the Town Offices will be closed August 31, 2019 and September 2, 2019 for Labor Day weekend.

- E) Constable-
- F) DCO- Report Submitted

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- G) Highway Committee
- H) Insurance Committee-
- I) Justices-
- J) Planning Board-Minutes from July 25, 2019, August 8, 2019
- K) Park & Recreations- Report Submitted
- L) Supervisor- Report Submitted
- M) Other Town Officials-

A motion to accept the reports & communications as submitted was made by John Hill. Seconded by Jolene Esposito.

Roll Call: Ayes- 3 Jolene Esposito, John Hill, and Supervisor Randy Lester

VIII. Approval of Vouchers:

General # 195 to # 221, Amt. \$6,778.50 Yrly Amt. \$146,247.31

Motion made by Jolene Esposito to accept the General vouchers as written. Seconded by John Hill.

Roll Call:

Highway # 110 to # 122 Amt. \$19,033.58 Yrly Amt. \$414,327.60

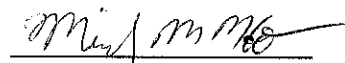
Motion made by John Hill to accept the Highway vouchers as written. Seconded by Jolene Esposito

Roll Call: Ayes-3 Jolene Esposito, John Hill, and Supervisor Randy Lester

IX. Adjournment: John Hill made the motion to adjourn the meeting at 8:24 pm. Seconded by Jolene Esposito.

Roll Call: Ayes-3 Jolene Esposito, John Hill, and Supervisor Randy Lester

Respectfully Submitted by



Freedom Town Clerk

08/26/2019

Freedom Town Board Meeting
August 19, 2019

Submitted by: Stephanie Milks

In the June 17, 2019, Randy Lester asked if anyone knew anything about the Town Green because they can't find the deed and stated, "There is no filing at the County Clerk's Office according to the surveying company."

What is being surveyed? Is the Town Green being surveyed?

What is the purpose of the survey of the Town Green?

Did anyone find the deed?

If not, did you ask Jim McAuley who is a Real Property lawyer and regularly deals with deeds?

*Addressed during meeting
8/19/19 sm*

FLICKER

Invenergy submitted a new Shadow Flicker Report to the DPS on July 31, 2019. I emailed this Flicker Report to Randy Lester on August 13, 2019 so that he could see the significant increases in flicker to the already outrageous amounts Freedom residents will be subjected to in the December 2018 Flicker Report. The new shadow flicker study is the result of Invenergy considering the use of the GE 158 model which has significantly larger blades that will cause more flicker -and friction and noise. I hope that Randy shared the flicker report with Ron Ashworth so that he could see the amounts of EXPECTED flicker we will be exposed to. The new study area for flicker was extended to 5,184ft and extends beyond that in some areas. Nearly a mile!

A few examples are:

Receptor #	Expected Flicker per year	Days per year	Max Daily	Road
7	106:52 hr/min	286	1:34 hr/min	Bixby Hill
3116	86:35 hr/min	283	1:21 hr/min	Bixby Hill
759	75:03 hr/min	184	1:22 hr/min	Brown Schoolhouse
725	61:32 hr/min	182	1:11 hr/min	Brown Schoolhouse
972	33:12 hr/min	203	0:42 hr/min	Hughes
967	46:15 hr/min	234	0:45 hr/min	Hughes
930	52:31 hr/min	238	0:55 hr/min	North
379	37:09 hr/min	165	0:46 hr/min	Sandbank
411	81:20 hr/min	215	1:22 hr/min	Galen Hill
1101	62:46 hr/min	193	1:07 hr/min	Sparks

These are just a few examples of the approximate 80 Freedom receptors that will be getting over 30 hours of flicker. Hundreds more will be getting up to 30 hours of flicker at their homes. Hardest hit will be Bixby Hill, Brown Schoolhouse, Sparks, Hughes, North Road, Galen Hill, Osmun, Route 98, East County Line Road and Sandbank.

Crystal Lake, Rosebud Stables and Turkey Run Golf Course properties all fall in the over 30 hours per year range. These are businesses with already established employees and recreational locations that need to be protected.

The planning board, consisting of DeVere Bliss, Jim Shannon, Dave Reinhard, Norm Feldman and Randy Lester in 2017 and Brian Arnold, should have never written a law without first reviewing the Shadow Flicker Report. They wrote the law with ZERO flicker limits and failed to protect the residents that live here. The town board majority, Randy Lester, Ron Ashworth and Ann Marie Dixon then voted yes to the negligent wind law in July of 2018 before seeing the Shadow Flicker Report that came out in December 2018 with flicker amounts that were just as excessive and now even more people are exposed and getting it worse!

Now who is going to buy these properties? Real estate descriptions for our rural residences do not boast flickering sunrises and sunsets, flicker-kissed decks for over an hour or views of turbines by the dozen. Let me remind you that flicker is now being measured to nearly a mile from a turbine! We need a Property Value Guarantee Agreement to protect us! Why are the Freedom town and planning boards failing to protect the tax-paying Freedom residents!?

Only 13 turbine leaseholders out of the 33 turbines in Freedom actually live here and half of those leaseholders aren't even going to get any flicker and be raking in the money while we suffer for nothing in return.

As I see absolutely nothing in writing that says we are going to get \$508,000 in Host Community payments to the town. The only thing I saw was a 20 year projection, even though the turbines will be here for 40 years, and under it, the numbers were based on 8 ASSUMPTIONS. The definition of assumption is – a thing that is accepted as true or as certain to happen, without proof. There is absolutely NO PROOF that we are going to get that kind of money or that the town board is going to give Freedom tax breaks. I find it very peculiar that on June 11, 2019 at the Public Hearing, Invenergy, Rep, Eric Miller referred me to Exhibit 27 as submitted to the DPS in regards to the amount of money Freedom would get. \$288,000 in the HCA and \$67,000 in PILOT payments. And then a month later, after a leaseholder lost the primary, they are now miraculously offering the amount of our 2019 town tax levy. I won't believe it until I see it in writing and submitted under Exhibit 27 to the NYS Department of Public Service. Nor should the Freedom Planning Board or Town Board majority have believed it without having solid proof in writing in a legal contract and then they certainly should not have voted yes on the HCA that is based on assumptions.

Ask Invenergy Rep if they are willing to submit the amount of Host Payments and PILOT payments to the NYS DPS. They already submitted the previous numbers. There should be no hesitation.

**NEW YORK STATE BOARD ON ELECTRIC
GENERATION SITING AND THE ENVIRONMENT**

----- X
:
In the Matter of :
:
CANISTEO WIND ENERGY LLC : Case 16-F-0205
:
Application of Canisteo Wind Energy LLC for a :
Certificate of Environmental Compatibility and Public :
Need Pursuant to Article 10 for Construction of a :
Wind Project Located in Steuben County. :
:
----- X

**PREPARED SUPPLEMENTAL REBUTTAL
TESTIMONY OF ERIC MILLER**

August 16, 2019

Eric Miller
Invenergy LLC
One South Wacker Drive, Suite 1800
Chicago, Illinois 60606

Eric Miller
Invenergy LLC

1 **Q. Have you previously filed testimony in this proceeding?**

2 A. Yes. I offered testimony in support of portions of the Application for
3 which I was responsible with the Application and rebuttal testimony dated
4 July 31, 2019.

5 **Q. What is the purpose of this testimony?**

6 A. To address testimony submitted by the towns on decommissioning,
7 primarily the report prepared by Energy Ventures Analysis titled
8 "Canisteo Wind Energy Center Decommissioning Assessment" and dated
9 August 2019.

10 **Q. Are you sponsoring any exhibits with your rebuttal testimony?**

11 A. No.

12 **DECOMMISSIONING SCOPE**

13 **Q. Do you agree with the scope of decommissioning as analyzed by EVA?**

14 A. Not fully. I agree with the need to ensure inoperable or abandoned wind
15 turbines are not left in place on leased land. But I do not agree that funds
16 should be set aside to ensure removal of those facilities that create little or
17 no environmental, public safety or visual impacts, or that remain useful, or
18 buildings on CWE's private, fee-owned property. Specifically, I do not
19 think it's appropriate to require CWE to set aside funds to remove gravel

Eric Miller
Invenergy LLC

1 access roads, buried cables, or the O&M building. Removal of the
2 collection substation is also questionable, as this infrastructure would
3 likely be useful in the future.

4 **Q. Why do you think roads should not be covered by a decommissioning**
5 **bond?**

6 A. Property owners consider the gravel access roads built for the project to be
7 valuable improvements. The roads are built with a firm base and can be
8 used even when fields are wet. Owners appreciate the ability to access
9 their property during varied conditions, and owners that farm their
10 property find the roads valuable for transporting trucks loaded with hay,
11 corn, and other harvested crops. Removing the road would cause a
12 temporary environmental disturbance, and I believe it would be rare that
13 an owner would want to have a road removed. Given this, I find it an
14 inappropriate use of resources to set aside money for road removal.

15 **Q. How much of the EVA decommissioning estimate is due to road**
16 **removal?**

17 A. EVA's estimate in Figure 11 shows a cost of \$1.573 million for road
18 removal. Assuming 117 turbines, this amounts to \$13,444 per turbine.

19 **Q. Why do you think the O&M Building should not be covered by a**
20 **decommissioning bond?**

Eric Miller
Invenergy LLC

1 A. The O&M building will be a new building built on private property. The
2 building should have useful life beyond the life of the wind turbines and
3 will be readily, and likely to be, repurposed if it was no longer needed by
4 the wind farm. In addition, it is inconsistent to require decommissioning
5 funds be posted for a new building just because it is related to a wind
6 farm. I am not familiar with other private owners that build new
7 residences, barns, or commercial buildings being required to post security
8 for the eventual removal of their building. For these reasons, I find it an
9 inappropriate use of resources to set aside money for O&M building
10 removal.

11 **Q. EVA Figure 1 allocates \$9,784 per turbine for decommissioning of**
12 **collection lines and the substation. Do you think this is an**
13 **appropriate set-aside for these activities?**

14 A. No. I do not think it's a wise use of resources to remove buried cables
15 after they are no longer needed. As part of wind turbine removal, the
16 cables would be disconnected from the wind turbines and thus de-
17 energized. The cables will be buried 3-4 feet or more below grade.
18 Removing the cables would create an environmental disturbance,
19 especially in locations where they are bored underneath streams or

Eric Miller
Invenergy LLC

1 wetlands, with little benefit. For this reason, I recommend the cables be
2 left in place and no decommissioning funds be allocated for this task.

3 The collection substation should continue to be useful equipment even if
4 the wind turbines are removed. It would be connected to the transmission
5 system by a relatively new transmission line and could be an asset for a
6 business looking for a location to generate electricity or a draw power
7 from the grid. I recommend it be left in place for future use.

8 **Q. Did you review EVA's analysis of wind turbine salvage value?**

9 A. Yes. EVA discusses salvage value on page 11 of its report. The estimate
10 ignores the sale of the turbine for reuse and instead considers the value of
11 the steel and copper in the turbine. They estimate each turbine will have a
12 salvage value between \$29,273 and \$118,743, with an average of \$74,008
13 per wind turbine.

14 **Q. Given your comments in this testimony, do you agree with the**
15 **decommissioning security requirement of \$156,000 per wind turbine**
16 **that is presented by EVA in Figure 1?**

17 A. I recommend a value of \$97,000 per wind turbine, based on the modified
18 version on EVA Figure 1 presented below. In this summary, I include a
19 credit for wind turbine salvage value but used only the lower value in the
20 95% confidence interval given in the EVA analysis.

Eric Miller
Invenergy LLC

Cost Category	Median Cost – EVA	Median Cost – CWE
Wind Turbine and Base	106,639	106,639
Collection Lines and Substation	9,784	0
O&M Building	4,260	0
Access Road Reclamation	11,999	0
Meteorological Towers	600	600
Permitting *	2,137	2,137
BoP Subtotal	28,780	2,737
Turbine + BOP	135,418	109,376
Contingency (10%)	13,542	10,937
Indirect Costs (5%)	6,771	5,469
Total	\$155,731	125,750
Use (Rounded)	\$156,000	126,000
Salvage (rounded)	0	-29,000
Net after Salvage	156,000	97,000

1

2 **Q. Does this complete your testimony?**3 **A. Yes.**