

BLACK OAK WIND FARM

Town of Enfield Community Relations and Complaint Resolution Procedure

Black Oak Wind Farm, LLC (the “Project Sponsor”) seeks to construct and operate a seven (7) turbine wind-powered generating facility, known as the Black Oak Wind Farm (the “Project”), to be located on leased private lands within the Town of Enfield (the “Town”).

The following community relations and complaint resolution procedure will ensure that concerns by neighbors regarding traffic, potential noise, shadow flicker, electromagnetic interference, and/or a reduction in property values associated with the development, maintenance, and operation of the Project will be adequately mitigated and/or addressed in a timely and effective manner. The complaint resolution procedure will also ensure that the Project Sponsor and the Town work cooperatively together to resolve any complaints that may arise.

Community Relations

Many complaints relating to the development of the Project can be pro-actively avoided by communicating widely and often with the Town and the property owner. If the community is made aware ahead of time of activities that could cause disruption, such as construction noise or slow vehicles, community members can make plans to avoid such disruptions and the number of disturbances and/or complaints will be lessened.

1. Throughout the construction of the Project, a communication link with the Town will be maintained in order to maximize cooperation during the construction phase.
2. Prior to the commencement of any construction, the Project Sponsor will coordinate with the Highway Superintendents to develop and provide the Town with a documented record of all existing major roads and infrastructure with which the project will interact. Such documentation will also be provided directly to emergency service providers and schools.
3. All equipment transportation schedules and transportation routes will be made public through the established communications link.
4. During construction, speed limits will be imposed and enforced on construction traffic.
5. The Project Sponsor shall comply with the conditions of the authorizing permits and conditions applying to construction and maintenance activities.

Complaint Resolution Procedure

In order to resolve complaints in a prompt and effective manner, complaint procedures should be followed as closely as reasonably possible under the circumstances. The complaint resolution procedure shall be in place for the life of the Project.

Complaint Resolution Procedure for Residents and Property Owners

The complaint resolution procedure for residents of the Town and property owner shall be as follows:

1. Prior to construction, the Project Sponsor shall set up a toll-free number for use by the local residents of the community that will be provided on both the Project Sponsor's website and the Town's website.
2. Complaints may be made through the following channels:
 - a. By calling the toll-free number;
 - b. By making a written complaint addressed to the Project Manager at the Project Sponsor's principal place of business; or
 - c. By making a written complaint addressed to the Town Board of the Town of Enfield (the "Town Board").
3. In the event the Project Sponsor receives a telephone or written complaint, the Project Sponsor shall inform the Town Board in writing within 5 days of the details of such complaint.
4. In the event the Town Board receives a written complaint regarding the Project, the Town Board shall inform the Project Sponsor in writing within 10 days of the details of such complaint.
5. A log will be kept by the Project Sponsor of the name and contact details of the complainant and the actions taken to resolve the complaint. The Project Sponsor shall make the log available to the Town Board for inspection upon request.
6. Upon the Project Sponsor's receipt of a complaint, either directly or through the Town Board, the Project Sponsor shall promptly contact the complainant to investigate and resolve the issue to the satisfaction of both parties. In the event that the complaint is not resolved to the satisfaction of the complainant, or that an agreed upon solution is not under development within thirty (30) days of receipt of the complaint, the complainant may refer the matter to a mutually acceptable mediator or arbitrator. The Project Sponsor shall make every reasonable effort to resolve all complaints.
7. The Project Sponsor has conducted a visual impact assessment, shadow flicker study, acoustic study, and microwave study in accordance with the Town's State Environmental Quality Review of the Project. However, in the event of complaints relating specifically to sound, shadow flicker, and electromagnetic interference, the Project Sponsor shall proceed as follows:
 - a. Sound: In the event of a complaint about potential turbine noise, the Project Sponsor shall conduct site-specific sound studies at those locations related to the complaint. If the turbine noise exceeds the existing sound standards for the

Project based on the Acoustic Study and Acoustic Study Update, the Project Sponsor shall determine which sound component is problematic and develop recommendations to correct the problem. The Project Sponsor shall have reasonable discretion in proposing effective responses to satisfy the complainant as permitted under applicable laws and regulations.

- b. Shadow Flicker: In the event of a complaint about turbine shadow flicker, the Project Sponsor shall conduct site-specific studies at those locations related to the complaint. If the turbine shadow flicker exceeds the existing turbine shadow flicker standards for the Project based on the Shadow Flicker Study and Revised Shadow Flicker Study, the Project Sponsor shall determine which flicker source is problematic and develop recommendations to correct the problem. The Project Sponsor shall have reasonable discretion in proposing effective responses to satisfy the complainant as permitted under applicable laws and regulations.
 - c. Electromagnetic Interference: In the event of a complaint about turbine interference with microwave, radio or television reception, the Project Sponsor shall conduct site-specific and spectrum specific studies at such locations. If the Project is found to be interfering with microwave, radio or television reception, the Project Sponsor shall investigate potential sources and develop recommendations to correct the problem. As permitted under applicable laws and regulations, the Project Sponsor shall have reasonable discretion in proposing effective responses that will satisfy the complainant, including wind farm equipment modifications that reduce interference, the installation of re-routing signal path equipment, the replacement of antennae or receiving equipment, the substitution of cable, satellite or other signal securing equipment for the complainant, or the securing of electronic interference easements from the complainant.
8. In the event of complaints relating specifically to a reduction in residential property value from property owners located within a one (1) mile radius of any wind tower as measured from the base of the wind tower at ground level to the nearest property line of the complainant's existing residence, the Project Sponsor shall proceed as follows:
- a. If the complainant's property is sold at a price lower than the assessed price as set by the Tompkins County Assessment Department as a result of the property's proximity to a wind turbine that is part of the Project, after the property has been on the market in the hands of a licensed real estate agent for two hundred seventy (270) days consecutively, the Project Sponsor will guarantee payment to the complainant of such difference minus any real estate commission and normal costs associated with the sale of real estate in Tompkins County.
 - b. If the complainant accepts any offer of purchase for the assessed price, the Project Sponsor shall not have any financial responsibility to the complainant.

- c. The complainant must have been the legal owner of the real property at the time the Town issued a permit to the Project Sponsor for the Project.
- d. Such a complaint shall detail the property owner's efforts in attempting to sell the property including the real estate agent, the assessed price of the property, the listed price of the property, the amount of time the property was on the market, and reasonable proof the purchaser would not pay the assessed price because of the property's proximity to a wind turbine.
- e. The Project Sponsor shall make payment to the complainant within thirty (30) days of the sale.
- f. If there is a dispute regarding payment or payment does not occur within thirty (30) days of the sale, either the Project Sponsor or the complainant may refer the matter to a mutually acceptable mediator or arbitrator.
- g. If any complainant shall enter into a so-called "Good Neighbor Agreement," wherein they allow the placement of a wind turbine closer than one (1) mile and/or if they should receive any compensation from the Project Sponsor, then they shall be excluded from the right to make such a complaint.

Complaint Resolution Procedure for the Town

The complaint resolution procedure for the Town shall be as follows:

1. In the event the Town submits a complaint to the Project Sponsor on behalf of the residents and property owners of the Town, the Project Sponsor shall promptly conduct any appropriate studies to determine the existence of any problem with the Project. Such study shall be conducted by independent consultants and the results made available to the Town.
2. If a problem is found to exist, the Project Sponsor and Town will engage in discussions to develop and propose actions to resolve the problem.
3. If a resolution that is reasonably satisfactory to the Project Sponsor and Town is determined, the Project Sponsor will deliver to the Town a written statement of the resolution that will be incorporated, by reference and any formal action necessary, into the underlying permit as a condition of operations.
4. The Project Sponsor shall then implement the resolution actions.
5. In the event that an agreed upon solution is not under development within thirty (30) days of receipt of the complaint, either the Town or the Project Sponsor may refer the matter to a mutually acceptable mediator or arbitrator. The Project Sponsor shall make every reasonable effort to resolve all complaints of the Town.

Unless otherwise specified herein, any notification required by the complaint procedures described herein shall be made in writing and delivered or mailed by first class mail to the Town Board or the Project Sponsor at the following locations:

Town of Enfield Town Board
Enfield Town Hall
168 Enfield Main Road
Ithaca, New York 14859

Black Oak Wind, LLC
Attn: Marguerite Wells, Project Manager
863 Hayts Road
Ithaca, New York 14850

Written by Frank Pavia, Harris Beach

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