

4. I live year-round in my Chipmonk Road home, which is one story and has two bedrooms, an attic, a full basement, one bathroom, a forced air furnace and wood stove, a septic system, and whole house plumbing utilizing well water. I have attached several accurate pictures of my home taken on September 26, 2011.

5. After working for 27 years at Dresser Rand in Olean, New York, I retired on my pension and on Social Security Disability owing to impairments I was left with after surgery in 1979 to remove a brain tumor. The surgery left me with optic nerve damage on my left eye and impaired equilibrium, and neurological impairment including seizures which are generally controlled with medication.

6. Although I have not had a seizure for about two years, previously I had them frequently, sometimes more than once per day.

7. My primary care physician Dr. Othoniel Castro has advised that windmills of the kind proposed by Allegany Wind near my home could increase my neurological problems. I have attached a copy of a letter from Dr. Castro so stating.

8. Because my eyesight is impaired I do not drive. As a result, I do not get away from home much.

9. Instead, I take care of my home and walk twice a day in the woods and dirt roads near my home with my dog.

10. My quality of life is tied to the peaceful, quiet setting in which I live. As noted, the intrusion of industrial wind turbines may worsen my neurological problems. Beyond that, I truly enjoy living near the top of Chipmonk Road as it helps me think more clearly and relax.

11. It is so quiet where I live that I can hear the echo of car and truck traffic on NYS Route 16, which is over 2,000 feet away. The area between my house and Route 16 is all wooded.

12. I attended a CCCC meeting in June at the Knapps Creek fire hall at which I discussed where I live. CCCC's attorney Gary Abraham advised me to contact the Allegany Planning Board because my house is located closer than 2,500 feet from the nearest project turbine, requiring very stringent noise limits under the local zoning code.

13. I contacted Planning Board member John Hare who came up to my house and, after looking things over, told me I "could possibly be opening up a can of worms" by insisting on the noise protections the zoning code provides, or words of similar meaning.

14. At the Planning Board meeting that preceded the board's July 11, 2011 vote to approve the Allegany Wind project, Mr. Hare raised the question whether I was considered in the project impact review. I don't know how the board members answered that question.

15. On July 11, 2001 the Planning Board voted to approve the project.

16. A few days later the project manager Bill Spencer sent me in the mail a "Neighbor Agreement," offering to pay me to accept noise and other impacts of the project if I would record the agreement as a burden on my land.

17. I have seen the Neighbor Agreement Everpower offered Jim Severtson and it is substantially the same in its terms and format as the one Bill Spencer offered me. I understand Jim is submitting an affidavit in support of CCCC's petition, attaching a copy of the propose agreement.

18. Both agreements provide for a \$1,500.00 payment and annual payments thereafter in the same amount in return for allowing noise and visual impacts on my land, and a promise not to tell anyone about the terms of the agreement.

19. I understand the Allegany zoning code classifies parties to such an agreement as a "participant" in the project, and provides that project participants are not afforded the noise and other environmental protections extended to non-participants.

20. A week later Spencer called me to ask about my thoughts about the proposed agreement. I told him I was unwilling to burden my deed as proposed.

21. I believe the project must be reconfigured to protect people like me who may be sensitive to noise impacts. I also believe the local zoning code requires changes to the project so people living nearby will not suffer unreasonable amounts of noise, especially at night.

22. I understand my affidavit will be used to support a court challenge to the legality of the way this project

was approved, brought by CCCC, and I support the challenge
for the reasons given above.

Theodore D. Gordon Jr.

TED GORDON
180 Chipmonk Road
Allegany, New York

Subscribed and sworn to before me
this 28th day of September, 2011

[Signature]
NOTARY PUBLIC

ALAN ABRAHAM #02AB6064367
Notary Public, State of New York
Qualified in Cattaraugus County
My Commission Expires 9/24/20. [3]