

**AFFIDAVIT**

CATTARAUGUS COUNTY                    )  
STATE OF NEW YORK                    )     ss:

JAMES C. SEVERTSON, being duly sworn, under penalty of perjury, deposes and says:

1. My wife Sally Severtson and I live at 925 Chipmonk Road in Allegany, NY, and we have lived there for 22 years.

2. I am a member of Concerned Citizens of Cattaraugus County.

3. My property includes 97.75 acres on both sides of Chipmonk Road.

4. I am submitting this affidavit in support of a petition challenging the legality of approvals granted for the Allegany Wind project, proposed by Everpower Wind Holdings (hereafter "Everpower").

5. Based on my review of the project layout map for the Allegany Wind project, my house is approximately 4,000 feet from Turbines ## 1W and 2W, which would be installed

on the ridge to the west.

6. In all, Everpower proposes to install 29 industrial-sized wind turbines on both ridges to the immediate west and east of my home.

7. On May 29, 2011, I received by regular mail from Everpower a proposed "Wind Project Neighbor Agreement," under a cover letter explaining that the agreement would provide a one-time payment of \$1,500.00 to me and \$15,00.00 per year thereafter for the life of the project.

8. The agreement itself provides that Allegany Wind, LLC is the grantee, prohibits me from disclosing the terms of the agreement, prohibits me from opposing the project in any way, and requiring me to record the agreement with the county clerk as a burden on my property for all subsequent purchasers.

9. Everpower's project manager for the Allegany wind project Bill Spencer, who signed the cover letter, subsequently left two messages on my answering machine inquiring about my interest in the agreement, but I did not return the calls.

10. On June 8, 2011, I received by certified mail

another letter from Bill Spencer enclosing a new agreement that did not differ substantially from the previous one, and enclosing a "combined Real Estate Transfer Tax Return," exempting payments made under the agreement from real property taxes. I have attached a true copy of the proposed June 8, 2011 agreement.

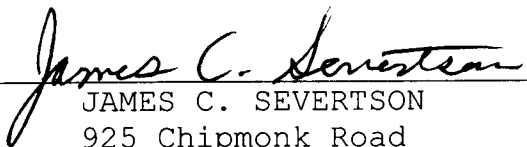
11. I am informed and believe that the tax exemption results from benefits that may be granted to Everpower and the project by the Cattaraugus County Industrial Development Authority which, by sponsoring the project would make project payments or expenses exempt from sales and property tax.

12. I never acknowledged the June 78 letter or otherwise expressed any interest in the proposed agreement.

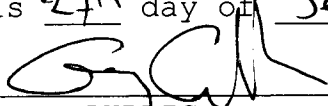
13. I enjoy extraordinary quiet on my property, as I am outdoors there ever chance I can get. Only in the winter do I stay indoors most of the time.

14. More often than not in the good weather when I am outside, after the sun goes down it is the most quiet, as the wind calms and stays that way all night.

15. My decision to ignore Everpower's offer of payments is based on the value I attach to maintaining the quiet environment I now enjoy, and my belief that the Allegany planning and town boards have failed to protect those amenities despite the mandate of their own zoning law which requires them to do so.

  
\_\_\_\_\_  
JAMES C. SEVERTSON  
925 Chipmonk Road  
Allegany, New York

Subscribed and sworn to before me  
this 27<sup>th</sup> day of September, 2011

  
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NOTARY PUBLIC

GARY ALAN ABRAHAM #02AB6064367  
Notary Public, State of New York  
Qualified in Cattaraugus County  
My Commission Expires 9/24/20. 13