

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WYOMING

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CLEAR SKIES OVER ORANGEVILLE

Petitioner,

AFFIDAVIT

v.

Index No: 42273

TOWN BOARD OF THE  
TOWN OF ORANGEVILLE, and  
SUSAN MAY, HANS BOXLER, JR., JAMES HERMAN,  
ANDREW FLINT, and TOM SCHABLOSKI, in their  
capacities as town board members,

Respondents.

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STATE OF NEW YORK, COUNTY OF WYOMING ) SS.:

ANDREW FLINT, being duly sworn, deposes and says:

1. The information herein is based on my personal knowledge and I am competent to testify.
2. I am a member of the Town Board of the Town of Orangeville.
3. Collectively as a Town Board, we closely examined the SCPB's "Referral Response" including each and every one of the fifty-seven comments. This effort was extraordinary and consisted of a point-by-point analysis.
4. The Town never received an application, petition or request to amend the zoning law. Rather, the Town amended its pre-existing zoning law, originally adopted in the year 1964, on its own accord.
5. The Town recognized that it was in a vulnerable position, exposed to the potential influx of wind turbine projects with minimal and previously inadequate regulatory control over them.

6. The Town Board (and Stony Creek) carefully examined whether each individual member had any relationship or interest that could be construed as a conflict of interest.

As a result, one board member, Councilman Tom Schabloski, was determined to have an “interest” within the most expansive sense of the term, in the passage of the zoning code.

7. I have not entered into any wind lease agreement, or any other agreement, or otherwise have an interest in the Stony Creek Wind Farm. Neither does any member of my family.

8. As has been disclosed, my brother James Flint purchased farm land that was under a lease agreement for wind turbines prior to his purchase sometime in the year 2009. Upon information and belief, James has not entered into a new wind lease with Stony Creek but the previously signed lease is still in effect on the farm land property he purchased. Additionally, upon information and believe, Stony Creek offered a contract to my parents but an agreement was never reached. I have no financial interest in their farm.

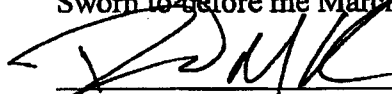
9. I worked on and voted for the amended zoning law in a detached and impartial manner.

10. Regarding the amended zoning law, I carried out my official duties free of any conflict, including any conflicts arising out of a direct or indirect financial, business, commercial or other private transactions.

11. At no time was I directly or indirectly involved in any transaction of any kind that in any way compromised my ability to independently work and vote on the amended zoning law.

  
ANDREW FLINT

Sworn to before me March 4, 2010

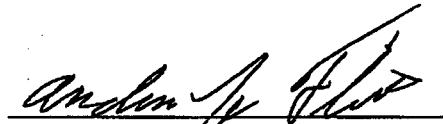
  
Notary Public

DAVID M. ROACH  
Notary Public, State of New York  
No. 02R06195247  
Qualified in Wyoming County  
Commission Expires 10/20/2015

VERIFICATION

STATE OF NEW YORK, COUNTY OF WYOMING )SS.:

ANDREW FLINT, being duly sworn, deposes and says that deponent is the respondent in this action and has read this affidavit; deponent knows its content and knows that it is true to the best of deponent's knowledge, except as to those matters stated to be upon information and belief, and as to those matters deponent believes them to be true.

  
ANDREW FLINT