

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WYOMING

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.

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

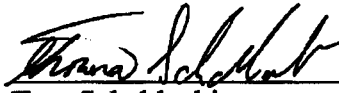
Tom Schabloski, being duly sworn, deposes and says:

1. The information herein is based on my personal knowledge and I am competent to testify.
- 2.. I am a member on the Town Board of the Town of Orangeville.
3. Effective March 5, 2007, I entered into a wind lease agreement with Stony Creek Energy LLC resulting in the placement of two wind measurement towers on my property located in the Town of Orangeville. I previously had a relationship with another company, NY Wind Power that was unrelated to the Stony Creek Wind Farm project.
4. This lease agreement contains terms granting Stony Creek the right to install wind turbines, cables, roads and other facilities on my property and the right to operate such facilities in exchange for an annual fee.
5. To the extent Stony Creek could potentially initiate a wind project in the Town of Orangeville, I understood that I could have a financial interest in the project.

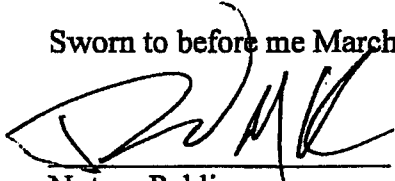
6. With respect to the amended zoning law, while I believe I would have carried out my official duties as a board member in a fair and impartial manner, I understood that my wind lease with a potential wind project applicant (Stony Creek) could create the appearance of a conflict of interests, with respect to the passage of the zoning law.

7. I therefore recused myself from participation in all proceedings and matters relative to the Town of Orangeville's passage of an amended zoning code. The potential conflict of interest was duly disclosed by Stony Creek in December 2008.

8. I have in no way participated in any proceedings or matters relative to the Town of Orangeville's amended zoning law as adopted.


Tom Schabloski

Sworn to before me March 4, 2010


Notary Public

DAVID M. BEACH
Notary Public, State of New York
No. 02R06195247
Qualified in Wyoming County
Commission Expires 10/20/2012

VERIFICATION

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

TOM SCHABLOSKI, 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.


Tom Schabloski