

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF MADISON

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In the Matter of the Application for a Judgment  
Pursuant to Article 78 of the Civil Practice Law  
and Rules and for Declaratory Relief Pursuant to  
CPLR Section 3001 of:

LAWRENCE J. FRIGAULT, CAROL A. FRIGAULT,  
PAUL KIDDER, DEBORAH A. KIDDER, REX A.  
SEAMON, DAWN M. SEAMON, JOHN C.  
WOUDENBERG, PAULA M. WOUDENBERG,  
JOEL G. SAWICKI, LORI E. SAWICKI,  
FREDERICK C. VERTUCCI, JOY L. VERTUCCI,  
TED S. FOX, MICHAEL J. REID, LOUIS M.  
SALAUN, LUCY G. SALAUN, GEORG-ANN F.  
GIGLIOTTI, KELLY A. AUGER, DAVID E.  
YODER, LESLIE P. WEAVER, DANIEL E. MEZIK,  
SHERRY M. MEZIK, WILLIAM J. ZALESKI,  
PATRICIA L. ZALESKI, FLORENCE V. TREEN,  
HOWARD C. MOSS, PATRICIA A. DUCIAUME,  
DOROTHY S. DUCIAUME, E. ALAN SILVER,  
SUSAN J. HUXTABLE, KATHLEEN G. CARNEGIE,  
DANIEL R. SULLIVAN, TERESA W. SULLIVAN,  
and BARBARA H. MEZIK,

Petitioners,

-against-

TOWN OF RICHFIELD PLANNING BOARD,  
MONTICELLO WIND LLC, NORTHEAST WIND  
PROJECTS, LLC, RIDGELINE EASTERN ENERGY  
LLC, ALICE C. ARMSTRONG, KEITH C.  
ARMSTRONG, MARNA M. ARMSTRONG, LOIS A.  
AUGER, WENDY S. MULLIGAN, WAYNE K.  
ARMSTRONG, KAREN A. RUDD, HAROLD T.  
FERGUSON, FAY R. FERGUSON, HAROLD F.  
FERGUSON, JR., HANWINSEL FARMS, INC.,  
HUXTABLE FARM PROPERTIES, LLC, DEBRA J.  
KOSEK, and WILLIAM R. KOSEK, JR.,

Respondents.

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**AFFIDAVIT OF**  
**CYNTHIA ANDELA**  
Town of Richfield  
Planning Board Member

Index No.: 2011-2012  
RJI No.: 2011-0465-M  
Hon. Donald F. Cerio, Jr.

STATE OF NEW YORK            )  
  )  
COUNTY OF OTSEGO            )        ss.:

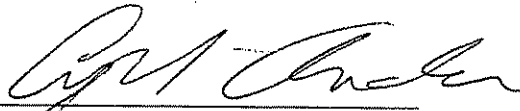
CYNTHIA ANDELA, being duly sworn, deposes and says:

1. I am a member of the Town of Richfield Planning Board. I have been on the Planning Board for more than 15 years.
2. I am submitting this affidavit in response to statements about me by Douglas Zamelis, the Attorney for the Petitioners, regarding his interpretation of my actions as a Board member when the Wind Turbine Special Use Permit application was pending before it.
3. Mr. Zamelis has stated in his affidavit to the Court that I was biased against the individuals who were opposed to the application to the point where my participation on the Board in this action should be considered invalid and that my ultimate vote should be voided. I assure the Court that such a claim is completely inaccurate.
4. I have no conflict of interest in the application at all. I do not have any ownership or financial interest in either the applicant corporation itself, or in any of the land leased by the applicant.
5. I am not related to any of the parties to the proceeding, nor am I aware of any possible other basis for a claim of bias or prejudice that the Petitioners raise that have any basis in law or in fact.
6. The emails claimed by Attorney Zamelis to be “smoking gun” evidence of my bias, simply do not show anything of the kind.
7. The reference to “the fight” in my email of May 11, 2011 refers to the fact that I was expecting that this would be a contentious issue (and it was!), and that I was concerned

that the project review process could become dominated by “outside” interests rather than community members that would be directly impacted by the project.


8. This was relatively early in the process and some 4 months prior to the public hearing. I made no final decision on my vote until all of the environmental issues had been addressed and after a full discussion related to what would be addressed in the Host Community Agreement with the Town regarding the project.
9. In like manner, my email of October 10, 2011 (R-1921) to the Planning Board’s independent Engineering Consultant, making sure that he brought to my attention the folder of information from a concerned citizen, shows just the opposite of the claim that I was biased against the position of anyone in relation to the project. The only reason to make such a request was to assure that I had seen and reviewed that submission and the information in it.
10. In fact, Mr. Zamelis presents some prejudice himself in concluding on his own, (and asks the court to do so as well), that simply because the information I wanted to review was from a “concerned citizen” that it necessarily had to be something against the project. Yet there is nothing whatsoever in that email that would indicate the substantive content of that folder one way or the other.
11. There were many statements made to the Board in support of project. As can be seen on that very same page of the record referred to by Mr. Zamelis, (R-1921, 1922), there is an email to the Chair that states the opinion from a neighbor with property near the proposed turbine site, that this project would be an asset for the Richfield community.

12. I can state without question that this was a very long and difficult process and certainly not an easy decision. The Board was not all in agreement as to whether or not to grant the Special Use Permit as can be seen by the final 3-2 vote.
13. All of us were subjected to significant pressure, both subtle and explicit, to vote against this project. I did my best, as a member of the Board, to fully consider all of the information from everyone that was involved in the process before I made my decision, and I did so without bias to either party.



CYNTHIA ANDELA

Sworn to before me this 20  
day of March, 2012



Notary Public

**SHARON L. EDMUNDS**  
Notary Public, State of New York  
Registration No. 01ED6007097  
Qualified in Herkimer County  
Commission Expires May 18, 2014