

**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

v.

**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

**SUPPLEMENTAL AFFIDAVIT
OF LAWRENCE J. FRIGAULT**

Index No.: 2011-2012

RJI No.: 2011-0465-M

Hon. Donald F. Cerio, Jr.

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

LAWRENCE J. FRIGAULT, being duly sworn, deposes and says as follows:

1. I own real property and reside at 129 Below Road, in the Town of Richfield, New York, and am a petitioner in this proceeding.
2. On Saturday March 24, 2012, I read the affidavit of Cynthia Andela, member of the Town of Richfield Planning Board.
3. I read in paragraph 4 of Cynthia Andela’s affidavit her representation that “I have no conflict of interest in the application at all” and in paragraph 5 “. . . 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.”
4. Cynthia Andela is listed in Department of State Records as the Chairwoman or Chief Executive Officer of Andela Tool & Machine, Inc. A copy of a printout from the Department of State’s Corporate Database is attached as Exhibit “S-1”.
5. Andela Tool & Machine, Inc. is located on Route 28 in Richfield Springs and, to my knowledge, is the only tool and machine shop in the Town of Richfield.
6. According to the “About Andela Products” page of the website of Andela Products, Ltd., “Andela Products started out as a tool & machine shop”. My search of the Department of State’s Corporations Database showed no listing for “Andela Products, Ltd.” According to that same webpage, at the time it was started “it was a machining and fabrication shop serving the local community and area businesses in the industrial and agricultural sector.” The webpage goes on to say that “In 1990 James and Cynthia Andela expanded the business to include products designed, manufactured, and marketed directly to the

recycling industry.” A copy of “Andela Products, Ltd’s” webpage is attached as Exhibit “S-2”.

7. I drive by Cynthia Andela’s business on Rt. 28 frequently and I have observed hand painted signs advertising metal working services to passersby other than those related to the recycling industry
8. After reading Cynthia Andela’s affidavit on Saturday March 24, 2012, I drove over to Cynthia Andela’s business and from Rt. 28 took a photograph of a hand painted sign advertising “Sandblasting and Metal Fabrication” services, and the number listed on the sign is that of Andela Machine & Tool, Inc. A copy of the photograph is attached as Exhibit “S-3”.
9. I also took a photograph on March 24 of the permanent sign at Cynthia Andela’s business which advertises “Metal Fabrication”. A copy of the photograph is attached as Exhibit “S-4”.

Richfield Springs, New York
March 28, 2012



LAWRENCE J. FRIGAULT

Sworn to before me
This 28th day of
March, 2012

DONNA M CLARK
Lic. #01CL8007614
Notary Public-State of New York
Qualified in Herkimer County
My Commission Expires 05/26/2014



NOTARY PUBLIC

EXHIBIT "S-1"

