

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.:

HANS BOXLER, JR., 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. I, along with my fellow Town Board members, meticulously examined each and every one of the WCPB's fifty-seven comments in its "Referral Response." The attention and energy invested in this analysis was extraordinary.
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 itself as the proverbial "sitting duck" exposed to the influx of wind turbine projects with minimal regulatory control over them.

6. After Stony Creek and the Town board, in hyper-vigilant fashion, explored anything that could be remotely interpreted as a conflict, one board member -- Councilman Tom Schabloski -- was determined to have an "interest" within the broadest sense of the term, in the passage of the zoning code.
7. Neither I nor any member of my family has entered into a wind lease agreement, or any other agreement, or otherwise has any interest in the Stony Creek Wind Farm.
8. I impartially worked and voted on the amended zoning law.
9. 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 interest.
10. At no time was I directly or indirectly involved in any transaction of any kind that in any way compromised my ability work and vote on the amended zoning law.

Hans Boxler, Jr.
Hans Boxler, Jr.

Sworn to before me March 8, 2010
[Signature]
Notary Public

DAVID M. RACH
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.:

HANS BOXLER, JR., 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.

Hans Boxler, Jr.
Hans Boxler, Jr.