

BLISS SOLAR 1, LLC,

Petitioner,

-against-

VERIFIED
PETITION

TOWN OF SCHOHARIE TOWN BOARD

Index No.

RJI No.

Respondent.

Petitioner BLISS SOLAR 1, LLC, a wholly-owned subsidiary of Borrego Solar Systems, Inc., (“Borrego” or “Petitioner”) by and through its attorneys, THE MURRAY LAW FIRM, PLLC, as and for its Verified Petition, alleges as follows:

I. PRELIMINARY STATEMENT

1. This is a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules (“CPLR”), wherein Petitioner seeks an Order: (a) declaring that Respondent’s denial of Petitioner’s Special Use Permit Application for the installation of a solar energy facility (the “Project”) in the Town of Schoharie is arbitrary and capricious and unsupported by substantial evidence in the Record¹, (b) annulling and vacating Respondent’s said denial decision, (c) granting Petitioner mandamus relief and, in turn, ordering Respondent to grant Petitioner’s Special Use Permit Application, and (d) awarding Petitioner’s attorney’s fees and the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

¹ Pursuant to CPLR §7804 (e), the Respondent is required to file the certified transcript of the Record of the Town Board’s review if this matter with their answering papers. Petitioner will amend this Petition upon receipt of the Record from Respondents to add references to the Record in respect to each fact and circumstance set forth herein.

2. The Record of Respondent Town Board's review of Petitioner's Special Use Permit Application demonstrates that Petitioner's Project satisfied all criteria prescribed by the Town's Land Use Law to be entitled to a Special Use Permit for the proposed solar energy facility.

3. Despite the Project's compliance with the Town's Land Use Law, the Town Board improperly bowed to generalized community objections and pressure and denied the Application. In doing so, the Town Board's denial decision is arbitrary, capricious and unsupported by substantial evidence in violation of State law.

4. Accordingly, Petitioner commenced this Proceeding for relief from the Town Board's unlawful denial of its Special Use Permit Application.

II. PARTIES

5. Borrego Solar Systems, Inc. is a California business corporation and its subsidiary, Bliss Solar I, LLC, is a Delaware limited liability company authorized to do business in New York (collectively, "Borrego"), both with a principal place of business at 5005 Texas Street, Ste. 400, San Diego, CA 92108.

6. Upon information and belief, the Town of Schoharie is a municipal subdivision of the State of New York with offices located at 300 Main Street, Schoharie, NY 12157.

7. Upon information and belief, Town of Schoharie Town Board is organized pursuant to the New York Town Law with offices at 300 Main Street, Schoharie, NY 12157.

III. VENUE

8. Pursuant to CPLR §506, venue is based in Schoharie County because Respondent is a municipal body and officers; the Respondent's conduct complained of in this Petition and occurred in Schoharie County; and the site of Petitioners' proposed Project is located in Schoharie County.

IV. THE SPECIAL USE PERMIT APPLICATION REVIEW PROCESS

9. Borrego Solar Systems, Inc. is a nationwide developer of renewable energy infrastructure and, its subsidiary, Bliss Road Solar 1, LLC, is the Lessee of a portion of certain real property located at 117 Bliss Road in the Town, which is the site of the proposed solar energy facility that is the subject of this proceeding (“the Site”).

10. On or about June 5, 2019, Borrego submitted a Special Use Permit Application (“Application”) to the Town Board for a five (5) megawatt (MW) solar energy system on the eastern portion of the Site, and a two (2) MW solar energy system on the western portion of the Site (collectively, the “Solar Facility”).

11. Each of the two (2) initially proposed systems on the Site qualify as a Community Distributed Generation facility regulated pursuant to the New York Public Service Commission’s Community Distributed Generation (“CDG”) program. A community solar farm is distinguished from other utility-scale solar facilities in several ways: (1) it is a maximum size of 5 MW, (2) it directly benefits local residents and businesses who can subscribe to purchase energy produced from each system at a cost-savings, and (3) it supports residents and small businesses who can either not afford to, or cannot for practical reasons, install their own solar system, but wish to share in the cost-savings and environmental benefits of renewable solar energy.

12. Pursuant to the Town’s Local Law No. 1 of 2019 Regulating Solar Energy Systems enacted March 27, 2019 (“Local Law”), “Level 4 Solar Energy Systems are a Permitted Use in all zoning districts in the Town of Schoharie except the Hamlet district upon approval of a Special Use Permit by the Town Board, on a case-by-case basis.”

13. Borrego’s proposed Solar Facility constitutes a “Level 4 Solar Energy System” pursuant to the Local Law.

14. Borrego's proposed Site for the Solar Facility is in the Town's Rural-Agricultural zoning district where the Solar Facility is a special permitted use pursuant to the Local Law.

15. The Town's classification of the Solar Facility as a special permitted use is tantamount to a legislative finding by the Town that the Solar Facility at the Site "is in harmony with the [Town's] general zoning plan and will not adversely affect the neighborhood" (see Matter of North Shore Steak House v. Board of Appeals of Inc. Vil. of Thomaston, 30 NY2d 238 [1972]).

16. Borrego's proposed Solar Facility also meets all setback, height, lot size, lot coverage and other dimensional requirements of the Local Law.

17. On June 12, 2019, Borrego presented its Special Use Permit Application for the Solar Facility to the Town Board at its regular meeting, during which Borrego addressed questions and comments by the Town Board and the public.

18. The Town Board hired its own independent professional engineer, Lamont Engineers ("Town Engineer"), to assist the Board in its review of the Application and, on July 2, 2019, the Town Engineer provided comments on the Application to Borrego.

19. At the Town Board's July 17, 2019 regular meeting, Borrego presented revisions and supplements to the plans for the Solar Facility in response to the Town Engineer's initial comments on the Application.

20. During that meeting, a Town Board member stated that "solar does not fit in our community" and "why do we want ugly solar panels."

21. Similarly, a resident expressed general concerns about tree-clearing, wildlife and bugs, and asked for it to be noted in the meeting minutes that she "takes offense to the Project being called a 'community project'" and that "she would rather look at a stone quarry rather than solar panels."

22. From the outset, such generalized opposition to the Project was voiced without regard to the Applicant's efforts to provide answers and make revisions to the Project in response to the Town

Board's and Town Engineer's comments, and without regard to the Project's legal status as a special permitted use at the Site and its ability to otherwise meet the criteria prescribed by the Local Law for issuance of the Special Use Permit Application for the Project.

23. In the meantime, the Application for the Project was referred to the Schoharie County Planning Commission for review and a recommendation in accord with N.Y. General Municipal Law §239-m.

24. On August 5, 2019, the Schoharie County Planning Commission unanimously voted to recommend that the Town Board approve the Project.

25. At the Town Board's August 14, 2019 regular meeting, the same resident who expressed her opposition at the July meeting asked about when she could submit petitions opposing the Solar Facility, notwithstanding that the Town Board had just commenced its substantive review of the Project and its questions and requests to Borrego for revisions to the Project were ongoing.

26. By way of example, during the meeting, the Town Board asked Borrego if the Project plans could be revised to reduce the number of utility poles needed for the public utility interconnection and Borrego agreed to request such revision from the public utility.

27. On September 5, 2019, Borrego submitted revised plans to address the Town Engineer's comments, including adding access driveway and drainage ditch details to address stormwater runoff and to relocate a portion of the Project to eliminate tree clearing.

28. At the Town Board's next regular meeting on September 11, 2019, the Town Board voted to establish itself as lead agency under New York's State Environmental Quality Review Law ("SEQR") and scheduled a public hearing on the Project to occur at its next meeting.

29. In addition, Borrego advised that, in accord with the Town Board's request at the prior meeting, the number of utility poles needed for the Project would be reduced from 16 to 9.

30. A number of residents attended the meeting and voiced their opposition to the Project, all of which continued to consist of general opposition to solar projects based upon articles and speculation about solar projects' impacts on the viewshed, property values, toxic waste, and water runoff. The residents did not submit any objective data or expert testimony to substantiate their opposition to the Project.

31. In addition, the same Town Board member who declared solar panels are "ugly" and do not "fit" in the Town at the Board's July 2019 meeting, again voiced his opposition to the Project, and without providing any substantive basis for such opposition.

32. At that meeting the Town Board had just established itself as the SEQRA lead agency, which is the precursor for it to start review of the Project's potential for the environmental impacts that were being alleged by the opponents, albeit in general and/or speculative fashion, given that such review had yet to commence.

33. The Town Engineer provided additional comments on Borrego's revised plans on September 30, 2019 and Borrego continued to work on addressing such comments with revisions and supplements to the Application materials.

34. At the Town Board's October 9, 2019 regular meeting, the Board opened the public hearing and received letters, a form petition with signatures in opposition to the Project, and public comments generally opposing the Project, again without any substantive basis or supporting data.

35. In response to the opponents' general objections about tree-clearing and visibility, Borrego presented revised plans for the Project whereby Borrego shifted the location of the Solar Facility on the Site to allow for several acres of woodland to remain, and to increase the proposed landscaped buffer to mitigate the perceived visual impacts alleged by the opponents.

36. Borrego also submitted visual simulations to illustrate the effectiveness of the screening provided by the revised Solar Facility layout and landscaped buffer at various stages of growth.

37. The opponents ignored these revisions to the Project plans and continued to express their general objections to the Project, and the Town Board left the public hearing open.

38. In response to the September 30, 2019 comments by the Town Engineer, Borrego engaged karst experts, Thom Engel and Dr. Art Palmer (“Karst Experts”) to visit the Site and identify karst features and analyze the Project’s design in respect to the locations of any karst features. Thereafter, Borrego added karst locations and further detail on the access driveway and stormwater drainage ditches to the Project plans to avoid karst locations and divert runoff away therefrom.

39. Borrego further supplemented the Application and Project plans as it received comments and responses from the federal Army Corps of Engineers (“ACOE”) and the New York State Historic Preservation Office (“SHPO”), and in response to its ongoing substantive review of the Project with the Town Engineer. As such, Borrego requested to table the Application from review during the Town Board’s regular November and December meetings pending completion of its consultation with the ACOE and SHPO and so that it could complete its responses to comments by the Town Engineer and the Board.

40. Notwithstanding that the Application review was tabled, one (1) opponent continued to voice general opposition to the Project at the Town Board’s November meeting and, at the December meeting, three (3) opponents voiced general opposition, two (2) of whom were not residents of the Town and simply opposed solar projects regionally.

41. Borrego next appeared before the Town Board at its regular January 8, 2020 meeting, during which the public hearing was continued. Borrego presented additional changes to the Project in response to comments by the Town Board, the Town Engineer and opponents.

42. Specifically, Borrego completely eliminated the 2 MW portion of the Solar Facility on the western portion of the Site where opponents alleged it would be visible. Borrego’s engineer

presented visual analysis to objectively illustrate that eliminating the 2 MW portion of the Solar Facility correspondingly eliminated visibility.

43. As a result of eliminating the 2 MW portion of the Project, which reduced the overall size of the Solar Facility by almost 30%, the number of utility poles was also further reduced from 9 to 6.

44. Borrego also added more landscaping to the plans along the Site's common boundary with one of the neighboring opponents to specifically address her objections to the Project.

45. Borrego also shifted the access drive to the south of the Site to avoid clearing of trees and mitigate visibility of the remaining 5 MW portion of the Facility on the eastern portion of the Site.

46. After Borrego presented these revisions and visual analysis confirming how they effectively addressed the opponents' objections about the Project's potential visibility, the opponents nevertheless continued to submit their same generalized opposition to the Project.

47. Borrego next appeared at the Town Board's February 12, 2020 regular meeting and presented a further revision to the Project site plan to shift the remaining 5 MW Solar Facility further to the east to further mitigate visibility.

48. Borrego also submitted an updated stormwater pollution prevention plan ("SWPP") to demonstrate, contrary to the opponents' claims, that stormwater runoff related to the Project would comply with New York State Department of Environmental Conservation requirements.

49. Notwithstanding Borrego's ongoing revisions and supplements to address the opponents' alleged concerns, the opponents continued to assert their general objections to the Project.

50. Given that the public hearing had been open for 5 months and the same generalized objections were just being repeated, the Town Board closed the public hearing and agreed to accept written comments on the project until February 28, 2020.

51. Following the February 12, 2020 public hearing, Town Board regular meetings were cancelled due to NYS Executive Orders related to the COVID-19 pandemic.

52. Once Town Board meetings resumed, on June 9, 2020, Borrego submitted written responses to the opponents' verbal and written comments and questions on the Project, together with citations to responsive data in the Application materials submitted to the Town Board thus far.

53. In particular, Borrego specified each comment by opponents that was either based upon an error of fact about the Project, or was an unsubstantiated opinion or generalized objection to the Project and identified the specific objective data in the record that controverted same.

54. Also on June 9, 2020, Borrego submitted a further revision to its plans per Town Board member comments. Borrego eliminated the center portion of the Solar Facility and shifted the solar panels therefrom to the east and west in an effort to reduce the area of panels located on a slope believed to be a more visible portion of the Solar Facility.

55. Borrego also responded to additional comments by the Town Engineer on July 17, 2020 to update all Application materials to reflect the reduced project size and revised layout.

56. Borrego presented this revised plan at the Town Board's August 12, 2020 and September 9, 2020 regular meetings.

57. Thereafter, in response to comments by and in consultation with the Town Engineer, Borrego's Karst Expert, Dr. Arthur Palmer, performed a site visit on September 17, 2020 to identify any karst features in the area where solar panels were shifted per the revised plans.

58. Based upon Dr. Palmer's site visit and analysis, Borrego further revised the plan to identify -- and avoid -- a small area of karst features at the Site, which correspondingly reduced the number of proposed solar panels.

59. Borrego's Karst Expert further determined that karst features at the site do not impede construction of the Solar Facility because the foundations for solar facilities consist of augured screws.

Therefore, the post-construction quantity of stormwater that will enter the area of karst features will be similar to the pre-construction.

60. Consistent with Borrego's Karst Expert's findings, the Town Engineer also indicated that Karst features at the site would not impede the construction of the Solar Facility. Indeed, the Town Engineer suggested that even if additional Karst features were discovered during construction, they "could be addressed with an approval condition to require project changes or mitigation to prevent the introduction of surface water into the subsurface via Karst features."

61. In addition, to address the opponents' purported concern that the solar panels may be "toxic" and contaminate stormwater runoff and surface and subsurface water, Borrego provided that the solar panels will be certified by the Underwriter Laboratories ("UL"), which means that the UL has tested samples of the panels and determined that the panels meet UL's nationally-recognized Standards for Safety. Borrego further provided that the solar panels would meet the International Organization for Standardization ("ISO") 9001 and 4001 for environmental regulatory compliance and the Occupational Health & Safety Assessment Series 18001, the international standard for occupational health and safety.

62. The Town Engineer provided additional comments on the Application on October 13, 2020, that were largely typographical or other minor clarifications. The Town Engineer also confirmed that there were no further comments on several of the Application's substantive items, including the visual simulations of the Project, the Karst Expert's findings, the SHPO determination of no effect on historic and cultural resources, the Archaeological environmental site assessment report, the NYSDEC determination of no effect on threatened or endangered species, and the filing with the NYSDEC of the Notice of Intent to commence construction under Stormwater Pollution Prevention Plan ("SWPPP") for the Project .

63. At the Town Board's October 14, 2020, the Board confirmed that its Town Engineer completed its review of Borrego's application materials and per the Board's request, Borrego agreed to provide a complete copy of its Application materials updated with all revisions and supplements since the inception of the review process.

64. On October 29, 2020, the Town Board published Borrego's complete Application on its website for public review.

65. Although the Town Board voted to close the public hearing on Borrego's Application on February 12, 2020, the Town Board issued a public notice that it would accept further public comments at its November 11, 2020 regular meeting, and written comments until November 30, 2020.

66. During the November meeting, four (4) opponents commented on the Application and only one (1) letter of opposition was submitted during the written public period before it expired on November 30, 2020.

67. Although the Town Board publicly noticed its November meeting as the opportunity for additional public comment on the Project, and provided the entire month of November as the opportunity for further written public comments, and public comments were indeed received during such opportunities, on November 29, 2020 the Town extended the public comment period to the December regular meeting and through December 31, 2020.

68. The reason for such extension was not, however, due to any revisions or new information in the Application.

69. Rather, it was based solely on a claim by the opponents who attended the November meeting that they believed another public hearing would be held on the Application. However, the minutes of the November meeting demonstrate that the opponents' claim was specious because during the meeting the opponents specifically asked if there would be another public hearing and were advised that there would not be.

70. The opponents thereafter used the extended public comment period to conjure and stage the appearance of greater, albeit generalized, opposition to the Project to pressure the Town Board.

71. At the December 9, 2020 Town Board regular meeting, the opponents organized a gathering outside Town Hall holding signs in opposition to the Project, and several opponents voiced their opposition to the Project during the meeting, albeit such opposition continued to be generalized objections and/or unsubstantiated opinions.

72. As of the December 31, 2020 extended deadline for public comment, opponents to the Project submitted signed petition forms with pre-printed statements objecting to the Project and fill-in-the-blank name, address and signature lines.

73. The statements in the petition form continued to be the same generalized objections made since the inception of the Project and, most importantly, before the Project was substantially reduced in size and re-designed in layout to address the opponent's alleged concerns.

74. In addition, the petition form included errors of fact and hyperbole, which indicated that the signatories' opposition was generalized, and without consideration of the actual details of the Project.

75. For example, the signed petition forms state that the Project's inverters "make the noise of a B757 at takeoff". On the contrary, the Town Board's record of review includes a professional Noise Analysis confirming that the Project would not cause any noise impact, and the Town Engineer reviewed and accepted such Noise Analysis.

76. Other than the pre-written petition form, twenty-one (21) opposition letters were submitted, and two (2) letters were submitted by attorneys on behalf of certain of the opponents, one of which threatened to sue the Town "should this application be approved."

77. None of the opponents' petition forms or letters cited, much less included, any objective data or basis for their opposition. Rather, the opponents' grounds are generalized statements, opinions

and speculation, all of which were based on either errors of fact that are refuted by objective data in the record, or errors of law, and none of which could serve as a legally sufficient basis for the Town Board's decision-making on the Application.

78. In addition, as of the December 31, 2020 extended deadline for public comment, eighty-three (83) supporters of the Project filed letters of support with the Town Board, on the following grounds:

- The Project is consistent with the Town's Comprehensive Plan.
- The Project meets the requirements of the Town's Solar Law, including all setback and other dimensional requirements.
- The State Historic Preservation Office determined that the Project will have no effect on historic or cultural resources in the area.
- The Army Corps of Engineers approved the proposed work for the Project and determined it did not require a wetlands permit.
- The Project will not be visible from Route 30 or adjacent properties.
- The visual simulations illustrate that the redesigned site plan addressed the public's and the Board's requests to mitigate visibility from distant viewpoints across the valley.
- The Project advances the environmental benefits of renewable energy both locally and globally.
- The Project will provide local economic benefits to the Town, including jobs during construction, additional tax revenue, and reduced electric bills for residents who subscribe to the Project.
- The Project is less intrusive than any of the land uses permitted under the Town's Zoning Law at the Site, including apartment complexes, mobile home parks,

townhouses/condominiums, hotels/motels, motor vehicle service stations, office buildings, restaurants, kennels, and RV parks.

- The land for the Project is private property.

79. Unlike the opponents' petition form and letters, the letters of support for the Project cited Project-specific objective data in the Application record including, without limitation, the Project's reduced visibility due to the reduced Project size and re-designed site plan, visual simulations, the State Historic Preservations Office determination that the Project would not impact historic or cultural resources in the area, the Army Corps of Engineers approval in respect to wetlands, the Project's compliance with the Town's Local Law, and the Project's environmental and economic benefits.

80. At the Town Board's January 13, 2021 regular meeting, the Board acknowledged receipt of the foregoing written comments and advised the opponents in attendance at the meeting that the Application and all public comments would be turned over to the Town's legal counsel and Town Engineer for review.

81. Two (2) opponents attended the Town Board's February 10, 2021 regular meeting, during which the Town Board did not resume its review of the Application. The opponents submitted an unsubstantiated table attempting to show that opposition was greater than support for the Project.

82. On March 31, 2021, the Town Board conducted a Special Meeting to deliberate over the Application.

83. The Town Engineer and Town attorney guided the Town Board through Part 2 of the Full Environmental Assessment Form, which is designed to help the Town Board, as the SEQRA lead agency, to inventory potential resources that could be affected by a proposed project and assess the scale of impact to any affected resources.

84. At the conclusion of reading through the Part 2 inventory, two (2) of the Town Board members indicated that they would approve the Project because it satisfies the Town's Local Law. The remaining three (3) Town Board members indicated that they would deny the Project because of its size, location and nature are not consistent with the Town's community character, a portion of it will be visible, and concern over whether there are contaminants in solar panels.

85. Thereafter, the Town Attorney prepared a denial decision and presented it to the Town Board at its May 12, 2021 regular meeting. One member of the Town Board was absent, but submitted a letter to the Town Board advising that he would vote to approve the Application. Another Town Board member also indicated he would approve the Application because it met all of the criteria for issuance of a Special Use Permit pursuant to the Local Law.

86. The remaining three (3) Town Board members voted to deny the Application and issued the denial decision prepared by the Town Attorney (see Exhibit "A").

AS AND FOR A FIRST CAUSE OF ACTION

87. Petitioner repeats and realleges each and every allegation contained in paragraphs "1" through "86" as if fully set forth herein.

88. The Record before the Town Board demonstrates that Petitioner's proposed Project meets all criteria in the Local Law.

89. It is beyond dispute that the Project is a special permitted use at its proposed Site pursuant to the Town's Local Law.

90. The inclusion of the Project as a special permitted use in the Town's Local is "tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood" (Matter of Retail Prop. Trust v. Bd. of Zoning Appeals of the Town of Hempstead, 98 NY2d 190, 195[2002]). In this regard, a board cannot deny a permitted use "because of characteristics which are inherent to the operation of such business" (see, e.g.,

Holbrook Assoc. Development Co. v. McGowan, 261 AD2d 620 [2d Dept. 1999][holding that board improperly denied a special use permit for a restaurant based on noise, vehicular movement, rubbish and odors, which amounted to an objection to the nature of the permitted use itself, and denial also appeared to be impermissibly based in part on generalized community objections]).

90. It is also beyond dispute that the Project meets all setback, height, lot size, lot coverage and other dimensional requirements prescribed by the Town's Local Law.

91. Further, the Record demonstrates that the Petitioner met all criteria prescribed by the Local Law to be entitled to a Special Use Permit.

92. The Town Board's factual findings to the contrary are controverted by objective data and expert testimony in the Record which, notably, was reviewed and verified by the Town's Engineer.

93. The Town Board bowed to community pressure and generalized community objections in deciding to deny the Application, albeit by a 3 to 2 vote.

94. Accordingly, the Town Board's denial of the Petitioners' Application was arbitrary and capricious, and an abuse of discretion and, thus, must be annulled.

95. Further, the Town Board should be directed to issue the Special Use Permit because the Record demonstrates that the Project meets all requirements of the Town's Local Law.

AS AND FOR A SECOND CAUSE OF ACTION

96. Petitioner repeats and realleges each and every allegation contained in paragraphs "1" through "95" as if fully set forth herein.

97. The grounds for the Town Board's denial of the Application are controverted by objective data in the Record and by virtue of the Project's status as a special permitted use under the Town's Local Law.

98. Accordingly, the Town Board's denial of the Petitioners' Application is not supported by substantial evidence in the Record and, thus, must be annulled.

99. Further, the Town Board should be directed to issue the Special Use Permit because the Record demonstrates that the Project meets all requirements of the Town's Local Law.

WHEREFORE, Petitioners respectfully request that this Court issue an Order and Judgment:

(1) declaring that Respondent's denial of Petitioner's Special Use Permit Application for the installation of a solar energy facility in the Town of Schoharie is arbitrary and capricious and unsupported by substantial evidence in the Record,

(2) annulling and vacating Respondent's said denial decision,

(3) granting Petitioner mandamus relief and, in turn, ordering Respondent to grant Petitioner's Special Use Permit Application, and

(4) awarding Petitioner's attorney's fees and the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

DATED: June 11, 2021

THE MURRAY LAW FIRM, PLLC

By:



Jacqueline Phillips Murray, Esq.

Attorneys for Petitioner

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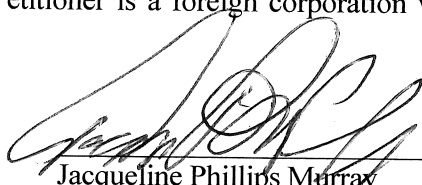
VERIFICATION

STATE OF NEW YORK }
 }
COUNTY OF SARATOGA } ss.:

JACQUELINE PHILLIPS MURRAY, ESQ., being duly sworn, deposes and says:

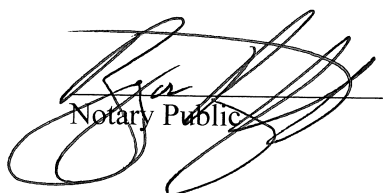
That deponent is an attorney with The Murray Law Firm, PLLC, attorneys for the Petitioners in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: the records of said Petitioner and representation of Petitioner by deponent's law firm in all matters with the Town of Schoharie discussed herein. Moreover, with regard to Petitioner Bliss Solar 1, LLC, deponent makes this verification because said Petitioner is a foreign corporation with no offices in the County of said deponent's office.



Jacqueline Phillips Murray

Sworn to before me this
11th day of June, 2021



Notary Public

BENJAMIN MICHAEL BOTELHO
Notary Public, State of New York
No. 02BO6351375
Qualified in Saratoga County
Commission Expires 11/28/2020

2021