

A PETITION to the TOWN BOARD
of the TOWN of COLTON, NY

I, THE UNDERSIGNED, KEVIN BEARY, RESIDENT of and HOMEOWNER in COLTON, DO HEREBY PETITION the Town of Colton Town Board to commence a search for an attorney expert in the relevant material to represent the town in the matter of Erie Boulevard Hydropower vs. Town of Colton.

I BELIEVE THAT:

1. The ability of the homeowners of Colton to keep possession of their homes is severely threatened by Brookfield Renewable Partners, the owner of Eire Boulevard Hydropower, inasmuch as Brookfield Renewable is seeking to force the homeowners of Colton to pay Brookfield's property taxes by demanding an unconscionable reduction in the assessed value of its very lucrative six Colton dams;
2. The attorney currently employed by the Town of Colton to represent it and its homeowners in this matter has not kept the town and its residents informed of whatever legal strategy he might employ to protect the town and its residents from the depredations of Brookfield Renewable;
3. The attorney currently employed by the town is the same attorney who represented the town in the last matter involving Erie Boulevard, the settlement of which case resulted in a huge increase in property taxes for many homeowners of Colton, forcing many to put their properties up for sale;
4. Although the law firm representing Erie Boulevard, to wit, Barclay Damon, counts among its attorneys two NYS Senators and a NYS Assemblyman who is also the Assembly Minority Leader, a situation that indicates a clear conflict of interest, the attorney currently employed by the Town of Colton has not asked the judge assigned to this matter to disqualify Barclay Damon as attorney for Erie Boulevard on the grounds of conflict of interest;
5. There exists the appearance that the interests of the town and its residents are not well represented by the attorney currently employed by the Town of Colton in this matter.



Kevin Beary, Resident Homeowner
225 Gulf Rd., Colton, NY
Sept. 9, 2020

58 Fuhr Rd.

Colton, N.Y. 13625

Sept. 7, 2020

Town of Colton

Town Board

Colton, N.Y. 13625

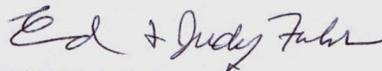
Dear Board Members:

We are writing to express our concern over Erie Boulevard Hydro's petitioning the New York State Supreme Court for additional lessening of their tax burden. We are imploring you to take an aggressive posture in responding to this threat, possibly uniting with other impacted towns to lessen the cost of such a response and give a more united approach. Such a response needs to be from a legal firm that deals specifically with this type of conflict. Regardless of how competent our current legal representation is for day to day matters, this is a specialized situation that requires a specialized law firm.

If the Hydro is successful in their bid the consequences to home owners throughout the Town will be devastating. There will also be a trickledown effect as more residents leave the area. Property values will decrease, more properties will be for sale, school enrollment will go down. The number of residents to share the tax burden will decrease further pushing up taxes for those remaining.

We brought up that this was imminently happening to the Town Board some time ago. Now it is time to play catch up. We are no longer dealing with a public utility. We had an excellent relationship with the public utility. This is not a utility; it is a public corporation. This corporation is here to make money and if not stopped will continue to petition whenever allowed to continue to reduce their taxes and increase ours. We need to wake up and realize this is not going away.

Sincerely,



Ed & Judy Fuhr

September 9, 2020

Dear Town of Colton Board Members:

We just recently became aware of Erie Boulevard's petition for a significant assessment reduction. It is our sincere hope that the Town of Colton will deny their unreasonable request and protect the residents of Colton. Erie Boulevard will never be satisfied and will return to the courts every few years with their cast of attorneys to bleed our town dry.

On a personal level, we found Erie Boulevard's lack of integrity disturbing and we were forced to stand up to their aggressive measures to protect our property rights. They were bullies.

Bullies do not back off until they have something to lose in a fight. We believe it is time to try an additional tactic to deal with the Erie Boulevard problem. Perhaps county or state representatives could assert some pressure.

It has always bothered us that utilities reap profits from our natural resources without returning a portion of their spoils to the communities. Why should Erie Boulevard profit from OUR river without compensating those of us who live along its banks? In Alaska, the oil companies share a portion of their profits with residents. Maybe we need to coax some politicians in NYS to pressure hydro utilities to return money to local towns like they do in Alaska. Wouldn't Erie Boulevard and its parent company, Brookfield Renewable Power, love that idea?

We also believe that the rest of the country needs to know that this utility company and its parent company are not good neighbors. A grass roots effort to expose their bad behavior might make them more amenable to supporting the communities where they are located.

We hope you will consider these suggestions as you move forward with your assessment issue.

Thank you.

Sincerely,

Claudia & Jerry Lioy

91 W. Higley Rd

P. O. Box 162

Colton, NY 13625



Buckley, Donna <clerk1@townofcolton.com>

reassessment by Erie Boulevard Hydrpower and Barclay Damon Attorneys

Everding, Shelly <MEVERDIN@travelers.com>

Wed, Sep 9, 2020 at 3:16 PM

To: "clerk1@townofcolton.com" <clerk1@townofcolton.com>

Cc: "jfuhr@twcny.rr.com" <jfuhr@twcny.rr.com>, "Everding, Shelly" <MEVERDIN@travelers.com>

Unfortunately, I just learned of tonight's upcoming meeting and can not get there due to the distance, so I am writing this letter.

As Erie Boulevard looks to get their taxes lowered, I am conflicted with the land they own at our cottage. We recently has the land surveyed at 23 cottage road.

The "pink ribbons" that divide my neighbors line and mine are not the issue of concern. It is the portion of my water front that Brookfield seems to own on my water front and my entire driveway. Brookfield's line is 5 feet from my front door, giving Erie Blvd a 50 x100' swatch of waterfront property.

Who is paying the taxes on that? Me or EBH?

Given this recent revaluation of waterfront ownership, how can my assessment of land be valued at \$100,000 (land only, not building). It is clearly not water front that I own, but rather something much different. Now Erie Boulevard Hydr wants their taxes lowered? So do I, given they have my waterfront.

Multi national companies know how to move money from one company to another to show a reduced profit and even a loss. If it were a loss, they would be looking to sell it and get it off the books.

I hope there is another meeting so that I can hear the facts of this issue more in depth.

In the meantime, I will be researching ongoing State and Federal tax breaks given to large corporations providing renewable energy. I expect it to be disheartening for the "little guys perspective"

Thanks,
Shelly Everding
Fayetteville NY

40 Cove Road
South Colton, N.Y. 13687
Sept. 7, 2020

Town of Colton
Town Board
Colton, N.Y. 13625

Dear Board Members:

We are writing to express our concern over Erie Boulevard Hydro's petitioning the New York State Supreme Court for additional lessening of their tax burden. We are imploring you to take an aggressive posture in responding to this threat, possibly uniting with other impacted towns to lessen the cost of such a response and give a more united approach. Such a response needs to be from a legal firm that deals specifically with this type of conflict. Regardless of how competent our current legal representation is for day to day matters, this is a specialized situation that requires a specialized law firm.

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Sincerely,



Larry & Joanne Hudson





Jutta Fitzsimons <juttafitzsimons@gmail.com>

Supreme court case will affect all Colton land owners

Jutta <jutta_fitzsimons@yahoo.com>

Tue, Sep 8, 4:41 PM

To: Jutta Fitzsimons <juttafitzsimons@gmail.com>

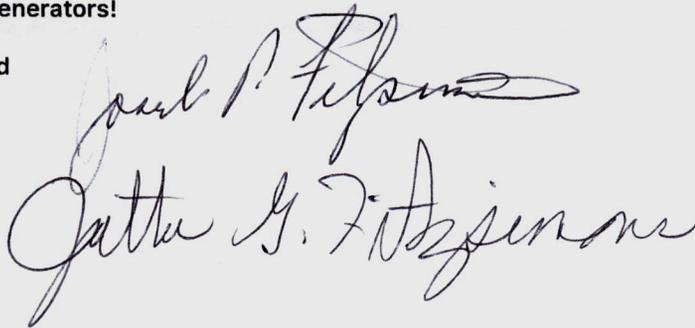
Dear Colton Board members,

It seems inconceivable that over 20 years ago, a sale of the dams occurred at a price north of \$200 million and are now worth significantly less. That is what the current owners are currently petitioning of the courts. The Supreme court needs independently audited history of revenues and profits generated by these hydroelectric plants. Please consider the replacement costs and the priceless control and exploitation of Colton's greatest natural resource. Erie Power has such incredulous gaul to request this assessment reduction.

Perhaps we should agree with them on such a low valuation and bond the purchase by the town of these clean energy revenue generators!

Joe&Jutta Fitzsimons
11 Green Point Ext. Road
Colton, NY 13625

Sent from my iPad



205 Gulf Road
Colton, New York 13625

September 8, 2020

Dear Town of Colton Board Members:

My husband and I are writing this letter to express extreme concern over Erie Boulevard Hydro's petitioning the New York State Supreme Court for additional reduction of their property and school taxes. I am thankful that Kevin Beary has raised awareness of this issue to residents in the Town of Colton. I have not located this information on the Town of Colton FaceBook page nor the Town of Colton webpage which for such an impact on residents, I was quite surprised. However, the public has now been made aware and even though this information has been coming for a very long time - I believe Larry Patzwald was the person who announced this at a meeting when our assessment change was in the air - he wanted to make sure those affected would know that this reduction of taxes would rear its ugly head in the future and here it is.

Brookfield has changed over the years - from our friendly utility company with many familiar faces working there to a large corporate, worldwide company. They are interested in making money. Money is the beginning and ending word. Money has become the way of the life for Brookfield Renewable Energy and so many other large companies but if this reduction were to be granted, it would be on the backs of so many hard-working, elderly, non-employed, self-employed, younger generation, new residents and older residents in this Town of Colton. If STAR disappears for those with already delinquent taxes - what happens to them if Brookfield Renewable Energy receives their reduction? They go further in debt, have to sell? Does the Colton-Pierrepont School lose students for those who have to move away? There are many far reaching consequences if this reduction goes through for Brookfield Renewable Energy.

I understand the Town of Colton attorney is a very competent person. However, we are not aware of how many large corporations, with teams of attorneys, who are very well versed on how to handle specialized legal matters such as this request for tax reduction, our town attorney has faced. We would much rather spend money on fighting this request than having taxes raised to a limit so many could not afford. We strongly feel this is a specialized situation that requires a specialized law firm and we hope the Town of Colton Board Members feel the same.

This request is now before the Board. Everyone knew it was coming. Many who attended the assessment meetings made those in attendance very aware that this was something to prepare for. Now it is here.

Sincerely,


Richard & Bonnie Matzell

125 Mud Pond Road
Colton, New York 13625
September 7, 2020

Town of Colton
Colton Town Board
Colton, New York 13625

Dear Mr. Cayey and Town Board Members;

We are writing in concern regarding Brookfield Power once again taking the Town of Colton to court with the expected outcome of Brookfield Power's property taxes being reevaluated and, ultimately, reduced. This will result in the Town of Colton property owners compensating for Brookfield's tax reduction by increasing the homeowners' property taxes.

As you well know, this is not the first time Brookfield has taken the Town of Colton to court. As long as Brookfield continues to win cases as they have in the past, they will feel confident in doing it again in the future. They are no longer a public utility but a public corporation. Their primary focus is making money. The less taxes they pay the more money they will make. You are well aware of this.

Through the years Colton-Pierrepont Central School has seen student enrollment fluctuate. Over the past several years enrollment has been steadily increasing. CPCS is a great school and the Town of Colton is a great place to raise a family as long as they can afford to live here. An increase in property taxes could affect people choosing to make Colton their home. This would directly affect student enrollment growth and increase property taxes even more as fewer homeowners to make up the difference.

We have recently retired and want to continue calling Colton our home. Please do everything you can as a Board in allowing this to happen for us and for many others who, eventually, may have to leave because they cannot afford the taxes. This is the economic reality of it.

Please take strong action in fighting this lawsuit so the Town of Colton will continue to grow and people like ourselves will be able to continue to live here. Look beyond the Town's legal firm to one with experience and success in fighting large corporations like Brookfield. Please do whatever is necessary and beyond to keep property taxes affordable.

Sincerely,

Gary Gowing
Lorraine Gowing
Gary and Lorraine Gowing



Buckley, Donna <clerk1@townofcolton.com>

Letter to the Town Board

1 message

Steve Thornton <swthornto@gmail.com>

Wed, Sep 9, 2020 at 8:28 AM

To: clerk1@townofcolton.com

Dear Members of the Board,

As taxpayers in the Town of Colton, we feel it is absolutely deplorable that a corporate giant, that is already operating with enormous profit, is seeking yet another reduction in tax assessments on their fixed assets in our town. Not only do the residents of Colton have to deal with the way the water levels of our river are managed, but we are expected by them to pay higher taxes to deal with these erratic water levels, sometimes that endanger our homes.

Please put it on record that we expect the Town of Colton to put forth resources to fight for keeping Erie Hydro and Brookfield's tax assessments where they are.

Sincerely,

Steven W. Thornton
Laurie A. Thornton
33 Gulf Road
Colton, NY. 13625

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Steve Thornton