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September 5, 2008

Chairwoman Ann Yates
Town of Wawayanda Planning Board
P.O. Box 296
Slate Hill, New York 10973

**Re: Town of Wawayanda Planning Board
Competitive Power Ventilators Valley Energy Center Electric Generating
Facility ("CPV") and
Brookfield Resource Recovery Facility**

Dear Chairwoman Ann Yates and Planning Board members:

We are the attorneys for the Enlarged City School District of Middletown ("District"). The Board of Education has requested that we convey to the Town of Wawayanda Planning Board its comments on the draft scoping document regarding the proposed CPV Project.

In preparing our remarks, we have reviewed the Draft Scoping Document dated June 27, 2008, prepared by CPV.

Section 4.1.1- Land Use:

1. Expand the types of land uses to be analyzed in the primary and secondary study areas to include other sensitive receptors, including public and private schools and hospitals. We note that the Truman Moon Primary Center, an elementary school which houses a population of 423 students, is located within approximately a 1.5 mile radius of the project site.
2. We are concerned with the impact this type of facility may have on air quality and request that CPV expand the proposed study areas beyond the proposed one and two mile radius to include a five mile radius. We note that in addition to Truman Moon, there are six additional school facilities within a two to five mile radius of the project site.

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3. To assist the Board and the public to identify potential sensitive receptors, CPV should plot (on a map) the radius of the study areas.

Section 4.1.4 (2) – Public Policy:

Include on the map of the primary and secondary study areas, existing primary and secondary schools and other sensitive receptor sites.

Section 4.5.1 – Socioeconomics:

Include an analysis of the need for, impacts and approvals required for any proposed tax abatement programs or other financial incentives sought by CPV, such as a PILOT agreement.

General Comment:

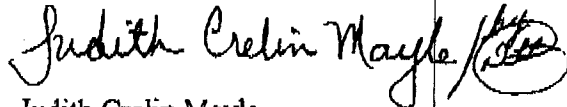
Include a discussion, analysis and proposed plans to address potential minor or catastrophic emergency and/or disaster that may result from the operations of the facility, including hazardous material release, fire, or terrorist activity.

On a separate matter, we respectfully request that the Planning Board include the District as an interested agency for the SEQRA review of the Brookfield Resource Facility project.

The District appreciates the opportunity to address its concerns to the Planning Board about these applications.

Should you have any questions, please do not hesitate to contact the Superintendent of Schools, Dr. Kenneth Eastwood.

Sincerely yours,



Judith Crelin Mayle

JCM/dll

cc: Dr. Kenneth Eastwood, Superintendent of Schools
John Razzano, Town Supervisor