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Judge won't OK Steuben wind-energy project, but it goes ahead anyway

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A mid-December vote by a Steuben County Town Board that allows a controversial wind-energy project to go forward will stand, for now, without a judicial stamp of approval.

In a ruling released this morning, state Supreme Court Justice Stephen Lindley declined to give his legal imprimatur to a 3-to-2 vote by the Prattsburgh Town Board in favor of a legal settlement with Ecogen Wind LLC.

Buffalo-area Ecogen had sued the board in November to force approval of a 16-turbine wind farm in the hilly Steuben County town. The company has said it spent \$13 million on studies, legal fees and other expenses related to the project, which also would feature 17 more 415-foot-high turbines in the neighboring town of Italy, Yates County.

Ecogen brought suit against Prattsburgh shortly after the Nov. 3 townwide election, in which voters chose a new supervisor and a new board member, both of whom are openly skeptical about the Ecogen project.

The company apparently feared that the new board, once seated this month, would kill the project, and it sued preemptively so that pro-wind town lawmakers would have an opportunity to approve a settlement before two of them left office. The terms of the settlement allowed the project to go forward unfettered.

Two wind skeptics already on the board unsuccessfully sought to persuade Lindley not block the lame-duck board from settling the lawsuit. At the same time, Ecogen's lawyers asked Lindley to give his approval to the settlement, presumably so that it would be more difficult for the new board to overturn.

Lindley said in his ruling, however, that it was "unnecessary and superfluous" for him to approve the settlement. He also said in his ruling that he was not disapproving it, either, and said the question of whether the mid-December vote was proper had not been put before him.

The Prattsburgh board, which now splits 4-to-1 against the Ecogen project, is scheduled to meet this evening.

"I guess that's a good thing," said Steve Kula, a wind-skeptic board member, referring to Lindley's refusal to approve the settlement. "But it sounds like there's a lot that's open-ended at this point."

Kula said he expected the board would begin working on a wind-turbine moratorium in the town and "trying to unwind the position of the previous board."

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