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Prattsburgh residents weigh in on eminent domain

By Mary Perham

Prattsburgh, N.Y. - Both sides of a dispute over eminent domain proceedings in the town of Prattsburgh weighed in with vigor Thursday night in the volunteer fire station.

Nearly 150 people attended the public hearing on a proposal for the town to seize roadway owned by seven residents. The properties are needed for a 100-mile underground electrical cable system for the 36-turbine wind farm being developed by First Wind.

Eminent domain allows a municipality to take private property if it serves a common good. The municipality must pay the owner for the land, determined by fair market value.

Before residents had their say, project manager Brian Cocca told them First Wind has worked diligently to reach agreements with landowners. Since the town board's decision last month to begin the proceedings, one of the original eight landowners has signed an easement, he said.

Cocca said First Wind has worked to locate alternate routes, with the existing one the best solution.

"This route is required to make the project viable," he said.

Prattsburgh Town Supervisor J. Harold McConnell defended the board's proposal to take the land, saying the project will improve the local economy. Benefits include payments to the town of \$430,000 during the first year, with overall payments totaling \$4.7 million by 2028, he said.

Prattsburgh and Naples central school districts will split a total of \$6.2 million during the next 20 years according to a separate tax payment agreement plan approved May 15 by the Steuben County Industrial Development Agency, McConnell said.

But both the payment in lieu of taxes program (PILOT) and McConnell's deciding role in voting for the eminent domain proposal were questioned by residents.

Carl Raymond said lawsuits recently filed by the school districts means the public benefit of the project is open to doubt.

The districts charge the tax deal undercuts the amount they should receive by a total of \$1.6 million during the 20-year agreement. There has been no decision on the lawsuit.

Others questioned whether McConnell's vote was legal, since he admitted receiving money from First Wind for helping to broker a real estate transaction. McConnell claimed last month the timing of the payment made his vote valid.

McConnell also received support from some residents, who said it would be shortsighted to delay the project any further.

Mara Parker said eminent domain is “scary” but added seven property owners were holding up a project favored by the majority of residents.

Parker charged reports the community is badly divided are false. She claimed the wind farm opponents, Prattsburgh Advocates, were the only residents not active in town events.

While the public benefit of the project was hotly debated, the issue of eminent domain was more emotional.

“This doesn’t benefit the general public,” one man said. “It benefits a private wind developer. Eminent domain itself is a, a gross interference...You are attacking your own citizenry.”

Property owner Ron locone said he would never sign the easement, saying the cable would be too close to buildings on his land.

locone also challenged the environmental value of the project and said allowing the town to seize land set a precedent for any future projects.

“My issue is with being strong-armed,” he told residents. “And it could be you next.”

First Wind Spokesman John Lamontagne said representatives have told the remaining property owners eminent domain is “an option. But it is not intended as a threat.”

Village Attorney John Leyden said the public comment period will end at 5 p.m. Tuesday. Until then, written comments will be accepted into the public record at the town hall, he said.

According to Leyden, the board has 90 days to decide whether to go forward with eminent domain. Following the board’s decision, there is a 30-day appeal period, he said.