

Prattsburgh supervisor accused of profiting off vote to seize land for turbines

by Jack Jones

Under fire over accusations he and other town and county officials have endorsed generous tax breaks and cut sweetheart deals with the Massachusetts-based UPC Corp. wind farm developer, Prattsburgh Supervisor Harold McConnell faces further criticism following a vote last week to condemn and seize private land for the project.

After admitting he accepted real estate commissions in at least one land deal last fall involving UPC, McConnell on April 21 cast the deciding vote on an “eminent domain” resolution.” The action will allow construction of 36 controversial, 386-foot tall wind turbine towers in the town.

Scores of the imposing, densely-clustered turbine towers have spiraled taller than upended football fields above the Naples Valley on hilltops in neighboring Cohocton in recent months. Many other communities have frantically enacted moratoriums and taken other actions to control placement of the massive towers pending further study of environmental impact and questions about whether the turbines can do what they are intended – generate “clean, safe power” in a rural region touched more by occasional gentle breezes than by strong and steady winds.

After endorsing the project as one that he believes will have a positive economic impact on the town, McConnell rejected a request by town Councilman Charles Shick to acknowledge a potential conflict of interest and recuse himself from voting on the eminent domain declaration.

The resolution is expected to result in the condemnation of portions of eight privately owned parcels after further hearings. The resolution was drawn up and requested by UPC and their lawyers and supporters for the laying of transmissions lines from a planned 36 turbines outlined in Phase 1 of the Prattsburgh project.

While numerous landowners have protested that the massive towers will lower their property values, several town residents who have agreed to lease hilltop properties to UPC stand to make “millions of dollars” over the life of the 20-year project, the town supervisor said during an interview.

McConnell also was criticized by town residents for refusing to allow public comment during the emotionally charged public meeting that attracted an overflow crowd of about 200, forcing relocation of the meeting from town hall to the fire hall. About 75 percent of the audience appeared to oppose the town board action, based on a reporter’s observation of those who applauded the comments of board members who, spoke critically of UPC’s proposed land seizure as opposed to comments by those in favor.

Municipal rules of order governing the public meeting did “not entitle anyone to speak except the board,” said McConnell, who cast the deciding voting on the eminent domain resolution approved 3-2 by the board.

Before casting the crucial vote, McConnell said town attorney John Leyden and others had advised him that his dual role – as a Realtor accepting commissions on a UPC land purchase and as a public official voting on the UPC project – does not constitute an ethical breach.

“I feel this is completely beside the point,” McConnell said. “I refuse to recuse myself.”

Before the vote, Shick said that he had been contacted by an investigator for the state Attorney General’s office and was scheduled to meet with the agency regarding allegations of impropriety that have marked the turbine project.

Spokespersons for the AG’s office in Rochester and Albany did not respond to a reporter’s questions on the issue last week. A spokesperson for the state Association of Towns also did not respond to a request for comment on the propriety of McConnell’s vote.

Russ Haven, legislative counsel for the New York State Public Interest Research Group, which publicly supports wind turbine projects, said McConnell’s decision to accept realty fees and not recuse himself from a crucial vote in favor of the Prattsburgh project sends a dubious signal.

You shouldn’t be making money off actions you take as a public official, regardless,” said Haven, declaring his own “conflict of interest” as an ardent supporter of wind power as an alternative energy source.

McConnell’s vote gives “the classic kind of appearance of conflict,” Haven said, adding that such actions by elected officials “leaves a bad smell.”

Apprised of Haven’s observations, McConnell said that in retrospect he “probably would not have” accepted the real estate money from the UPC deal “knowing the attitude these people (the project’s critics) would take.”

Neither town attorney John Leyden nor Jim Sherron, executive director of the Steuben County Industrial Development Agency (SCIDA), which McConnell also said, approved his decision to vote on last week’s resolution, returned a reporter’s phone messages.

Town board members Shick and Steve Kula, who asked the board to take more time and get more information before condemning private landowners’ property to benefit a corporate project, said they we’re also alarmed by language in the resolution allowing UPC to seize additional real estate. The resolution targets rights-of-way, which UPC said are being denied by eight property owners whose cooperation is needed to complete the laying of turbine transmission lines.

While the resolution specifies seizure of properties on Rosey Hill, Gay, Cook School, Davis, Fisher, Dillenbeck, Block School and Mattoon roads, it also authorizes “the commencement of condemnation proceedings against any other property along the aforementioned roads for the purposes of obtaining the remaining easements necessary for the Company to construct, install, operate, maintain, repair and replace conduit and electrical lines within the rights of way if the Company can show to the Town Supervisor’s satisfaction that best efforts have failed to obtain an agreement with such additional landowners.”

Kula and Shick said they are troubled by such language in the latest resolution as well as the wording of a previously signed “hosting agreement” that leaves key elements of the project and distribution of any profits largely to the discretion of UPC.

“I’m worried that our town board seems just to be along for the ride, and that lawyers (for UPC, SCIDA and Prattsburgh) seems to me treating us just as small town people they can give only the information they want to give us while they make all the important decisions for us,” said Kula.

Kula stressed that he is open-minded about the turbine project and thinks that it might benefit the community and region if done properly and the town’s rights are secured by appropriate legal safeguards.

Kula said in addition he is concerned because the town attorney also works for Steuben County Industrial Development Agency. “In my opinion, our town attorney cannot sent the town board and the IDA (which is being paid by UPC as the lead agency for the turbines) in this matter,” he said.

Both he and Shick said they’re also concerned that UPC has refused to make public its studies on the amount of energy that the turbines will generate and whether anticipated economic benefits will offset expenses and anticipated negative impact on overall property values.

UPC representatives at last week’s meeting refused to divulge those figures, citing “proprietary data.” When questioned in detail about their estimates, company officials conceded that a reputed \$11 million pay package for the town over the next 20 years would actually return an estimated \$6.2 million, which could dwindle to just \$1.2 million if a joint lawsuit by the Naples and Prattsburgh school districts awards schools a greater share of potential profits to which they claim they’re legally entitled.

Prattsburgh board member Stacey Bottoni, who rejected Kula and Shick’s requests to delay the vote on eminent domain and lashed out at project critics, also accused UPC officials of “deception.” Bottoni said the company was deceptive by submitting as “before and after” photos scenes of two different sections of a road where their crews had worked. Bottoni, McConnell, and board member Sharon Quigley voted in favor of eminent domain.

After the vote, Kula said he “felt the town board was bullied into making a decision” by UPC project manager Brian Cocca. Cocca had been scheduled to speak at two previous public meetings, but declined at the last minute to make scheduled presentations at those meetings where large numbers of project critics showed up. Kula said Cocca instead “met with each individual board member separately and we were led to believe that UPC was going to pull out of the project if we did not approve eminent domain.”

Shick said that such closed-door, private meeting and an overall “lack of transparency” may indicate that regardless of any possible future community benefits of wind power, the Prattsburgh deal may not have been handled properly or in the public interest.

“I think some rules have been broken, said Shick. "And I think the state Attorney General's office will agree."